

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 22nd December 1949.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, the Deputy President (SRI K. VENKATASWAMI NAYUDU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Paper produced at Rajahmundry Paper Mills.

* 61 Q.—SRI N. VENKATACHALAMAJI (on behalf of Sri M. Narayana Rao) : Will the Hon. the Minister for Industries be pleased to state—

(a) the quantity of paper that is produced by the paper mills at Rajahmundry every month ;

(b) the maximum quantity that is expected to be produced ;

(c) whether arrangements are made to reach the maximum production and if so, in what time ;

(d) whether the accounts of the mills have been audited ; and

(e) whether the mills are working at a loss or profit ?

THE HON. SRI H. SITARAMA REDDI (on behalf of the Hon Minister for Industries) :—“(a) About 100 tons a month.

“(b) About 250 tons a month of about 25 working days.

“(c) Yes, Sir. Necessary repairs have been made to the machinery and additional staff and labour sanctioned for putting the mills in full production. The mills are now working two shifts producing about 4 tons of paper daily. It is expected to start working three shifts and produce the maximum of about 10 tons per day, before the end of next month when the waters of the river Godavari will become clear.

“(d) No. As the mills have been treated as a regular commercial concern from 1st April 1949, the balance sheet for the year will be prepared only after the end of the year, i.e., 31st March 1950.

“(e) The financial position will be known after the accounts are audited.”

SRI N. VENKATACHALAMAJI :—“May I know, Sir, how much was produced before the Government took up the mills?”

THE HON. SRI H. SITARAMA REDDI :—“Immediately before the Government took over the concern, it was not working. It was producing before that 7 to 9 tons a day.”

SRI B. BHIMA RAO :—“May I know if it is working economically?”

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THE HON. SRI H. SITARAMA REDDI :—" I draw the attention of the hon. Member to my answer to clause (e)."

SRI R. SURYANARAYANA RAO :—" May I know when the mills got into production after they were purchased by the Government? "

THE HON. SRI H. SITARAMA REDDI :—" I have not got the exact date here. I think it was after a few months after we took over. Machinery had to be repaired, the boilers had to be overhauled and one boiler had to be specially repaired and all that took some time and if I remember aright it took us about four or five months. After taking over and after all these things had been done, it started manufacturing small quantities and we have gone on increasing production."

SRI R. SURYANARAYANA RAO :—" If, on account of two shifts, the mills are able to produce four tons, how is it that the Government believe that they will be able to produce ten tons with three shifts, which is proportionately much larger than what they produce with two shifts? "

THE HON. SRI H. SITARAMA REDDI :—" That is what we are assured by our technical personnel there, Sir."

SRI R. SURYANARAYANA RAO :—" Are the Government satisfied that the production for the two shifts is satisfactory? "

THE HON. SRI H. SITARAMA REDDI :—" It is not quite satisfactory, Sir."

Admissions to the Medical Colleges.

* 62 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that a deputation of the South Indian Provincial Branch of the Indian Medical Association waited on the Hon. Premier and represented that a certain percentage of admissions into Medical Colleges should be made on merit only;

(b) if so, whether the Government have decided to effect any changes in the present system of admissions which is prevailing since April 1947 and if so, to what effect; and

(c) what percentage has been fixed by the Government with regard to admissions on merit?

THE HON. DR. T. S. S. RAJAN :—" (a) Yes.

" (b) The attention of the hon. Member is invited to the answer to clause (a) of Legislative Council Question No. 4 (starred);

" (c) No percentage has been fixed specifically for admission based on merit; but, it has been decided that if there are any vacancies due to want of suitable candidates from certain particular communities, such vacancies should be filled according to merit subject to the condition that the regional and district quotas are not affected."

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SRI B. BHIMA RAO :—" At least in the case of lady candidates would not the present system of admissions be revised so that all ladies who apply for admission may be admitted? "

THE HON. DR. T. S. S. RAJAN :—" Unless the hon. Member means to say that ladies should have all the preference and no question of merits shall apply to their case, we may not be able to consider his proposition; but I thought that the hon. Member was more interested in merit than on the sole question of sex only."

SRI B. BHIMA RAO :—" Though I am interested in the question of admission on merit, still I find that in the case of lady candidates, they are made victims of communal admissions and last year I saw two ladies only of a particular community were admitted into two different colleges; at least would this discrimination stop in the case of lady candidates? "

THE HON. DR. T. S. S. RAJAN :—" There is no special discrimination in favour of lady candidates as such."

SRI M. NARAYANA MENON :—" May I know, Sir, how merit has been defined? "

THE HON. DR. T. S. S. RAJAN :—" I would refer the hon. Member to a suitable dictionary."

SRI M. NARAYANA MENON :—" Would the psychiatric test be applied to the applicants for consideration of merit? "

THE HON. DR. T. S. S. RAJAN :—" If the hon. Member defines merit as he understands it, I will be able to understand the meaning of the question; as it is, I do not understand the question."

SRI R. SURYANARAYANA RAO :—" Did considerations of merit which the Hon. Minister stated apply to admissions for 1949-50? "

THE HON. DR. T. S. S. RAJAN :—" Yes, Sir."

Ayacut under the Tungabhadra Project.

* 63 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) what the extent of wet and dry irrigation provided under the Tungabhadra Project is;

(b) what the length of the main canal and of the subsidiary canals provided is;

(c) what the progress so far made in the construction of the dam and the main canal is;

(d) whether there is any proposal under the consideration of Government to increase the wet ayacut under the project;

(e) if the answer to (d) is in the affirmative, whether any decision has been arrived at;

(f) whether increase of acreage under wet ayacut necessitates realignment of the main canal;

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(g) whether such increase alters the main scheme of the project;

(h) whether the acreage under wet cultivation increases necessitating to that extent decrease in dry irrigation;

(i) whether the proposed change leaves out of the purview of the project areas which were to benefit under the original scheme; and

(j) whether there is a proposal to take up the High Level Canal Scheme?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) It is estimated that under the Tungabhadra Project Low Level Canal Scheme, the area under wet crops will be about 58,000 acres and that of dry irrigated crops will be about 192,000 acres.

“(b) The length of the main canal is 225 miles, the first 15 miles being known as Power Canal. The length of the subsidiary canals is as follows :—

Kurnool—Thirty miles long.

Distributaries—Aggregate length—two hundred miles (approximately).

“(c) The dam excavation has almost been completed to a length of 2,700 feet and about 8.6 million cubic feet have been excavated. Drilling and grouting foundations have been completed in one reach and are in progress in two other reaches. Concreting of foundations has been completed in isolated pockets and a quantity of 18,100 cubic feet of concrete has been laid. The masonry works are also in progress, about 200,000 cubic feet of masonry having been put in so far. The camp with all amenities such as lighting, water-supply, roads, posts and telegraphs, railway station, hospital, health services, etc., has been formed. The work on the main canal excavation is also progressing and excavation for about 35 miles has been completed. Masonry works on the canal system are also in progress and the work on Hagari aqueduct is in good progress. The localization of ayacut under two distributaries has been completed and is in progress in two others. The works are in good progress and programmed for completion by end of 1952.

“(d) Yes.

“(e) No decision has yet been taken in the matter.

“(f) to (i). These are under consideration and no decision has been reached.

“(j) A High Level Canal Scheme was already investigated but only as an alternative to the Low Level Canal Scheme. Since however, the latter has actually been taken up and is under execution, the former has to be re-investigated for being taken up in addition to the latter. In the present design of the dam sufficient capacity has been provided to take off a high level canal and the necessary sluice for letting

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out water for this canal, is being built in, even now, in the masonry structure of the dam. It may be hoped that even before the completion of the present project, it would be possible to reach the necessary agreement with Hyderabad so that work on the high level canal may be taken up in continuation of the low level canal."

SRI B. BHIMA RAO :—" In view of the impending separation of the Andhra Province, might I ask how much acreage is being irrigated in the Kannada taluks of Bellary and how much in the three Telugu taluks of the district? "

THE HON. SRI M. BHAKTAVATSALAM :—" I would like to have notice, Sir."

SRI R. SURYANARAYANA RAO :—" Before coming to a decision regarding the extension of wet ayacut, will the Government be pleased to publish their tentative proposals so that the public may make due representations, as the whole project is going to undergo a great change? "

THE HON. SRI M. BHAKTAVATSALAM :—" Rather than publishing, I would consider consulting representatives in the Legislature before the proposals are finalized."

SRI R. SURYANARAYANA RAO :—" In view of the fact that we propose to take up the high level canal as soon as the low level canal is completed, will they order a reinvestigation of the High Level Canal Scheme? "

THE HON. SRI M. BHAKTAVATSALAM :—" It will be considered, Sir."

SRI S. B. ADITYAN :—" May I know, Sir, whether the impending partition of the Province will affect the progress of the project in any way? "

THE HON. SRI M. BHAKTAVATSALAM :—" I do not at all think so, Sir."

Names of the officers re-employed after 5th March 1949.

* 64 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state with reference to the answer given to question No. 214 on the 5th March 1949—

(a) the names of the officers who have been re-employed after the above answer was given;

(b) whether any or all of the officers in the list furnished have since been discharged and if not, what the date of discharge in each case is;

(c) whether there are cases in which further period of re-employment has been granted and if so, what period in each case;

(d) whether in making exceptions and granting re-employment, only those with special technical qualifications and experience have been chosen; and

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(e) what the procedure adopted by Heads of Departments to satisfy themselves that they are physically fit is if it is not by medical examination?

THE HON. SRI B. GOPALA REDDI :—“(a) A list^a of cases of officers newly re-employed after the answer was given is placed on the table of the House—List II.

(The answer given to question 214 on 5th March 1949 is given in List I.)

“(b) Yes: Some officers in the list already furnished have since been discharged. Two lists one showing the names of officers who have since been discharged and another giving the names of officers who are still continued with particulars available are placed on the table of the House—Lists III and IV.

“(c) Yes: A list showing the names of such officers showing the periods of further re-employment is placed on the table of the House—List V.

“(d) Yes.

“(e) No particular procedure has been prescribed by Government and followed by Heads of Departments to ensure that the pensioners re-employed are physically fit. Generally, re-employment is not sanctioned if a pensioner's age exceeds 60 except in the case of technical personnel of the Public Works Department. Heads of Departments adopt whatever procedure they consider necessary in individual cases to satisfy themselves in this regard.”

SRI B. BHIMA RAO :—“May I know, Sir, if an advertisement has been issued calling for applications from retired persons for re-employment so that all retired persons might have an opportunity of applying in case they wish to serve?”

THE HON. SRI B. GOPALA REDDI :—“In the Public Works Department, they wanted some supervisors and Assistant Engineers and an advertisement was put in but with regard to other posts no advertisement was made as the Heads of Departments are familiar with the persons who have retired whose services are available.”

Training schools in the Province.

* 65 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state with reference to the answer to starred question No. 254 given on the 19th March 1949—

(a) the number of training schools of various grades in the Province;

(b) how many of the existing training schools are what are known as basic training schools;

(c) the names of places in which the so-called basic training schools have been located;

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(d) how many of the basic training schools are new schools; and

(e) the number of training schools, basic and ordinary, proposed to be started in 1949-50 and where it is proposed to locate them?

THE HON. SRI K. MADHAVA MENON :—“(a) 170.

“(b) 36

“(c) to (e) A statement^a is laid on the table of the House. No new ordinary training school has been opened in the current year.”

SRI R. SURYANARAYANA RAO :—“May I know how many of the schools opened are new training schools and how many of the existing training schools have been converted into basic training schools?”

THE HON. SRI K. MADHAVA MENON :—“Column (3) of the statement shows which are the new and which are the old schools.”

Land assignment policy.

* 66 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have formulated their land assignment policy and consequently have lifted the ban on the permanent assignment of land imposed in 1943;

(b) if the answer to (a) is in the affirmative, what the new policy is;

(c) whether the Government propose to assign Government lands to persons who were authorized to occupy and cultivate them as part of “Grow More Food” campaign;

(d) whether the Government have received representations from authorized occupants of Government lands that they are being evicted to make room for political sufferers;

(e) if the answer to clause (d) is in the affirmative, whether the Government propose to revise their policy in this regard;

(f) whether, in regard to eviction of occupants of Government lands, any consideration is shown to actual cultivators as against non-cultivating occupants;

(g) what conditions, if any, are being imposed on political sufferers to ensure that they will cultivate the lands themselves or by hired labour without allowing them to lie fallow; and

(h) whether the political sufferers are precluded from alienating or sub-letting the lands assigned to them?

THE HON. SRI H. SITARAMA REDDI :—“(a) & (b) The attention of the member is invited to the Press Note, dated 9th June 1949.

“(c) Grow More Food lessees will be assigned the lands under their occupation up to an extent of 5 acres of wet or 10 acres

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of dry land if they are landless poor persons. In the case of poor persons owning small extents of land, the area assigned should be such that together with the land owned by them their holding does not exceed 5 acres of wet or 10 acres of dry land. In other cases the lands will be withdrawn from them on the expiry of the lease period and disposed of in accordance with the instructions issued on the policy in regard to assignment of land.

“(d) Yes.

“(e) As the lands were granted temporarily under the Grow More Food Scheme for a specified period and as provision has already been made in the assignment policy for such of these lessees as come under the term ‘landless poor persons’, the Government do not propose to revise their policy.

“(f) Only the actual Grow More Food lessees will receive these benefits. If the actual cultivators are not the lessees, they will not receive any special consideration.

“(g) Lands are assigned to political sufferers subject to the conditions, among others, that they should be cultivated by the assignees themselves or the members of their family or with hired labour or both and that the lands assigned should be brought under cultivation within a period of three years from the date of assignment on pain of resumption.”

“(h) Yes. Political sufferers are precluded from alienating the lands assigned to them for a period of ten years. Nor can they sub-let the lands assigned to them.

Ban on the assignment of agricultural land.

* 67 Q.—SRI R. SURYANARAYANA RAO :—Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the ban on the assignment, permanent or temporary, of agricultural land since 1943, pending settlement of policy, affects assignment of land for purposes other than agriculture or whether exceptions have been made;

(b) if the answer to (a) is in the affirmative or negative, what the present policy is in that regard;

(c) whether, in assigning lands for agricultural purposes, priority is given to political sufferers even as against ex-service personnel and landless poor including Harijans;

(d) who the ‘political sufferers’ are according to Government;

(e) what steps are taken by the Government to ensure that the assigned lands are cultivated immediately in view of the self-sufficiency target to be attained by 1951; and

(f) whether, in view of the importance of the Government policy, the Government propose to allot time to discuss the question?

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THE HON. SRI H. SITARAMA REDDI :—“(a) The ban imposed in 1943 did not apply to temporary grant of land. The ban was in regard to permanent assignment and was intended to apply to agricultural lands.

“(b) & (c) The attention of the member is invited to the Press note, a dated 9th June 1949, in which the policy of the Government in regard to assignment of lands has been published.

“(d) The term ‘political sufferer’ has been defined for purposes of grant of land as a person who suffered imprisonment as a result of taking part in political movements inaugurated by the Indian National Congress or under its sanction. The following exceptional classes of political sufferers are also eligible for grant of land under the scheme :—

(1) Persons whose names were included in the list of satyagrahis approved by Gandhiji for taking part in the Individual Civil Disobedience Movement of 1940-41, who really disobeyed but were not convicted.

(2) Persons who conducted the movement from underground in 1942 under the direction and authority of the competent Congress Committees.

(3) Persons who were heavily lathi-charged or received gunshot wounds though not convicted.

(4) Persons who really took part in political movements and were placed on trial without finally being sentenced to imprisonment provided that during the period of trial they were remanded to custody in jails for not less than three months.

(5) Persons who were convicted and sentenced to fine in connexion with political movements.

“(e) Assignment is made subject to the conditions, among others, that the land is brought under cultivation within a period of three years from the date of grant on pain of resumption and that it is cultivated by the assignee himself or the members of his family or with hired labour or both.

“(f) As the policy was introduced more than two years ago and is very well known to everybody and as there have been frequent discussions on it in the Assembly, the Government do not propose to allot any time to discuss this question now.”

SRI R. SURYANARAYANA RAO :—“May I know if one of the conditions for the grant of land to political sufferers is that the political sufferers should continue to belong to the Congress party?” 11-15 a.m.

THE HON. SRI H. SITARAMA REDDI :—“Yes, Sir.”

JANAB ADBUL LATIF FAROOKHI :—“Is it not a fact, Sir, that this Government on the floor of both the Houses of the

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Legislature said, some time back, that even though people do not at present belong to the Congress would nevertheless get assignment of land if they are political sufferers? "

THE HON. SRI H. SITARAMA REDDI :—" Subsequent to that or previous to that—I do not remember when—orders were passed saying that they must continue to belong to the Congress organization."

JANAB ABDUL LATIF FAROOKHI :—" May I know the reason for this change of policy? "

THE HON. SRI H. SITARAMA REDDI :—" There is no change in the policy; the policy remains the same."

SRI R. SURYANARAYANA RAO :—" May I know whether Government do not consider that this is a sort of indirect coercion to keep a man loyal by assigning him land? "

THE HON. SRI H. SITARAMA REDDI :—" It is a question of loyalty and not one of coercion."

JANAB ABDUL LATIF FAROOKHI :—" Sir, my question was that the Government on the floor of both Houses of this Legislature stated that lands would be assigned to political sufferers even though they did not belong to the Congress Party. There was then no continuance of loyalty to the party stated."

THE HON. SRI H. SITARAMA REDDI :—" Sir, I believe I made that statement soon after my assuming office. Probably I made a mistake then. For some time after that, or I believe, even before I made that statement, there was an order which said that a man should continue to be loyal to the Congress Party before he qualified himself as a political sufferer to get an assignment of land to him. Sir, if my previous statement had caused a misapprehension on the matter I take this opportunity to clearly state that it is necessary that a political sufferer should continue to be loyal to the Congress party to get an assignment of land to him."

SRI M. NARAYANA MENON :—" Sir, was there any political party in this country other than the Congress Party which worked for the attainment of independence of India? "

THE HON. SRI H. SITARAMA REDDI :—" Not to my knowledge." (Laughter.)

JANAB ABDUL LATIF FAROOKHI :—" Is it a fact, Sir, that some lands already granted to some political sufferers were cancelled subsequently? "

THE HON. SRI H. SITARAMA REDDI :—" Yes, Sir. When the correct position was found out, it is quite possible that assignments that had been made were cancelled."

JANAB ABDUL LATIF FAROOKHI :—" Was not Government aware of the correct facts before when they made the assignment? "

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THE HON. SRI H. SITARAMA REDDI:—" Sir, officers might have committed a mistake in the absence of the entire list of political sufferers. Even as I said just a while back, I gave a wrong information regarding persons who are entitled to assignment of land, and subsequently corrected myself, and similarly there is nothing wrong in correcting a mistake committed."

JANAB ABDUL LATIF FAROOKHI:—" Sir, the question I referred to does not relate to the statement made by the Hon. Minister in this House. I am referring to the statements made by his predecessors in office in the Assembly at the very beginning on the question of assignment of land to political sufferers, when a promise was made that lands would be assigned even to those who do not belong to the Congress Party now."

THE HON. SRI H. SITARAMA REDDI:—" Sir, I have no recollection of any such statement made. I believe even at the beginning I had said that after due examination a Government Order has been passed on the subject, and certain Government Orders amending or adding to that have been passed, and they lay down clearly the position that a person should belong to the Congress Party to qualify himself for assignment of land as political sufferer, because it is a question of continuance of loyalty."

JANAB ABDUL LATIF FAROOKHI:—" Sir, are lands assigned to Socialists also, though they do not belong to the Congress Party? "

THE HON. SRI H. SITARAMA REDDI:—" Notice, because I do not wish to commit a mistake as I committed last time." (Laughter.)

SRI M. NARAYANA MENON:—" Will any political sufferer who wanted to sabotage India's independence be considered a political sufferer entitled to this privilege of assignment of land? "

THE HON. SRI H. SITARAMA REDDI:—" Not by this Government, Sir."

DR. A. LAKSHMANASWAMI MUDALIYAR:—" May I know, Sir, whether assignment of lands has been made to the Members of this Legislature? "

THE HON. SRI H. SITARAMA REDDI:—" Yes, Sir, if they are political sufferers."

DR. A. LAKSHMANASWAMI MUDALIYAR:—" May I know, Sir, whether in view of the fact that such lands fetch a permanent income to the assignees they will be considered as men of paid-services, and therefore ineligible to a seat in the Legislature? "

THE HON. SRI H. SITARAMA REDDI:—" No, Sir."

DR. A. LAKSHMANASWAMI MUDALIYAR:—" May I know whether the Hon. Minister has consulted legal opinion before he made that statement? "

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THE HON. SRI H. SITARAMA REDDI:—" I think, Sir, I was once a lawyer myself and that is enough for this."
(Laughter.)

Alleged selling of intoxicating drinks in chemists shops.

* 68 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Government have any information that some chemists shops have become regular bar houses and whether Tincture Zingiberis and other intoxicating drinks are sold there in large quantities; and

(b) what action has been taken or is proposed to be taken to put an end to such trade?

THE HON. SRI N. SANJEEVA REDDI:—" (a) & (b) The Government have received representations regarding the misuse by liquor addicts of certain medicinal preparations like Tincture Zingiberis. Orders have therefore been issued that those preparations which are being misused should be sold only by those possessing licences under the Madras Prohibition Act and in limited quantities not exceeding one quart in the case of patent preparations and 2 ounces at a time in the case of British Pharmacopoeia preparations on the prescription of a qualified medical practitioner. Additional restriction will be imposed if necessary after watching the effect of these orders."

DR. P. S. SRINIVASAN:—" May I inquire whether Government are aware that these restrictions are imposed on registered medical practitioners also? "

THE HON. SRI N. SANJEEVA REDDI:—" Quite possible. as the quantity with them has also to be controlled."

DR. P. S. SRINIVASAN:—" May I know whether the Government are aware that it has caused hardship among many medical practitioners because the tincture is to be used every day in almost every prescription? "

THE HON. SRI N. SANJEEVA REDDI:—" Because of the terrible misuse of it, we had to control it; and quite possibly there is some inconvenience to medical practitioners, but it cannot be helped."

DR. P. S. SRINIVASAN:—" May I know whether it is because doctors misused it in giving prescriptions that they are also brought under the control? "

THE HON. SRI N. SANJEEVA REDDI:—" It may not be so. People who got the medicine from the doctors might have parted with it to others for misuse."

SRI R. SURYANARAYANA RAO:—" May I know, Sir, which department of Government exercise control regarding this order? "

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THE HON. SRI N. SANJEEVA REDDI :—" The Prohibition Department."

SRI R. SURYANARAYANA RAO :—" Do Prohibition staff go to every dispensary or shop of the druggist and chemist and examine his transactions? "

THE HON. SRI N. SANJEEVA REDDI :—" No, Sir. Whenever they get information of misuse, they go to the shop and examine his transactions."

DR. P. S. SRINIVASAN :—" Are not the Government aware that the Prohibition staff went to every dispensary in the Chingleput district and seized every bottle of the tinctures mentioned and sealed? "

THE HON. SRI N. SANJEEVA REDDI :—" Yes, Sir, in the beginning they did so, so that they may know how much quantity is available and take steps to see that it may not be misused."

SRI R. SURYANARAYANA RAO :—" May I know why Government did not consult the medical practitioners what their requirements are, prescribe the quantity required by them and then control the excess quantities? "

THE HON. SRI N. SANJEEVA REDDI :—" Before anything can be done in that direction, we have first to know what quantity is available, and for that we have to seize the stock and label it."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" May I know whether Government will call a conference of medical practitioners to find out how exactly the hardship of medical practitioners can be alleviated? "

THE HON. SRI N. SANJEEVA REDDI :—" It will be considered."

DR. P. S. SRINIVASAN :—" Is it a fact, Sir, that a licence fee of fifteen rupees is imposed on every medical practitioner and that it is to be levied every year hereafter? "

THE HON. SRI N. SANJEEVA REDDI :—" Yes, Sir."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, why in the case of medical practitioners they should be asked to pay the fee? "

THE HON. SRI N. SANJEEVA REDDI :—" It is a sort of control just to have an account of the amount disbursed through dispensaries."

SRI M. NARAYANA MENON :—" May I know whether in the forthcoming conference the Government include Ayurvedic physicians also? "

THE HON. SRI N. SANJEEVA REDDI :—" They will have a separate conference."

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SRI N. VENKATACHALAMAJI :—" Have Government paid the cost of the stocks freezed by the Prohibition Police? "

THE HON. SRI N. SANJEEVA REDDI :—" No, Sir, they will be allowed to sell them to licenced doctors."

DR. P. S. SRINIVASAN :—" May I know why Government should not give free licence to medical practitioners? "

THE HON. SRI N. SANJEEVA REDDI :—" No, Sir, that will be very difficult."

Boring sets and power drills.

* 69 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) the number of boring sets and power drills with the Department of Industries available for the use of the public;

(b) the terms on which they are available;

(c) the cost of the staff employed for maintaining these sets and drills;

(d) the income that accrued to the Government on account of hire charges during 1946-47, 1947-48 and 1948-49;

(e) the number of borings attempted during 1946-47, 1947-48 and 1948-49;

(f) the number of successful borings during these years;

(g) whether there is a proposal to increase the number of boring sets and power drills; and

(h) whether it is proposed to transfer this part of the work to the Department of Agriculture as recommended by the Retrenchment Committee?

THE HON. SRI H. SITARAMA REDDI (on behalf of the Hon. Minister for Industries) :—" (a) 153 hand-boring sets and 23 power drills are available with the department for being hired out to the public.

" (b) A booklet ^a containing the information is placed on the table of the House.

" (c) The cost of the staff engaged on the maintenance of 153 boring sets and 23 power drills is approximately Rs. 1,26,600 per annum and Rs. 45,600 per annum respectively inclusive of allowances.

" (d) The gross income that accrued to Government on account of hire charges during 1946-47, 1947-48 and 1948-49 is approximately as follows :—

					RS.
1946-47	...	...	...	...	1,27,717
1947-48	...	...	...	...	1,04,960
1948-49	...	...	...	...	72,831

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“(e) The numbers of borings undertaken during 1946-47, 1947-48 and 1948-49 were—

1946-47	...	...	...	...	966
1947-48	...	...	...	...	1,182
1948-49	...	...	...	...	1,285

“(f) The numbers of successful borings put down during these years were—

1946-47	...	...	...	...	781
1947-48	...	...	...	...	924
1948-49	...	...	...	...	976

“(g) The Government have sanctioned the manufacture of 40 hand-boring sets in the Industrial Engineering Workshops, Madras, and the purchase of 17 power drills. Out of these, 12 hand-boring sets have been manufactured and 5 oil engine drills have been received from the suppliers.

“(h) No. The Government have decided that boring work should continue to be done by the Industries Department. However, 50 per cent of the hand-boring sets (excluding those specially manufactured for rural water-supply work) and 50 per cent of the power drills will be earmarked exclusively for agricultural purposes.”

SRI B. BHIMA RAO :—“ How long will successful borings work satisfactorily without giving rise to difficulties? ” 11-30 a.m.

THE HON. SRI H. SITARAMA REDDI :—“ It depends upon the area and the nature of the soil.”

SRI R. SURYANARAYANA RAO :—“ As the success of Grow More Food Campaign depends on adequate water-supply, what steps have the Government taken to increase the number of hand-boring sets and power drills? Twelve new hand-boring sets are quite inadequate. If the Industrial Engineering Workshop is not able to manufacture the required number, will the Government order them from elsewhere? ”

THE HON. SRI H. SITARAMA REDDI :—“ At the time the answer was prepared, only 12 hand-boring sets were supplied out of the 40 sanctioned for manufacture. I expect that our Engineering Workshop will be able to manufacture quickly and supply the remaining sets.”

SRI R. SURYANARAYANA RAO :—“ Do the Government think that the addition of 40 hand-boring sets is sufficient for an extensive Province like this? ”

THE HON. SRI H. SITARAMA REDDI :—“ That is what the department suggested. If it is necessary to have more, the Government will sanction more.”

SRI B. BHIMA RAO :—“ What percentage of borings have been successful in Rayalaseema districts? ”

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THE HON. SRI H. SITARAMA REDDI :—“ It all depends upon the nature of the soil. Borings have been successful in red soil, but they have not always been quite successful in black cotton soil.”

SRI R. SURYANARAYANA RAO :—“ In view of the need for adequate water for irrigation and drinking, will the Government ask the Commissioner of Food Production whether the number of boring sets are enough and arrange for more sets if there is greater demand? ”

THE HON. SRI H. SITARAMA REDDI :—“ So far as I know, the Commissioner of Food Production has not taken up the construction of bore-wells. We are concentrating more on repair and restoration of minor irrigation sources and we have enough work under that scheme. Anyway, the suggestion will be placed before the Commissioner for Food Production, and more boring sets will be made available if necessary.”

SRI M. NARAYANA MENON :—“ Have the Government conducted any investigation for ascertaining whether the sets will be useful in all districts? ”

THE HON. SRI H. SITARAMA REDDI :—“ I should have notice of this question.”

SRI B. BHIMA RAO :—“ In the district of Bellary from which the Hon. Minister hails, have these borings been successful in providing drinking water and water for irrigating at least a few acres? ”

THE HON. SRI H. SITARAMA REDDI :—“ The hon. Member also hails from the same district and I do not know what more information he can get from me than what he knows.”

Distribution of semolina.

* 70 Q.—SRI N. VENKATACHALAMAJI (on behalf of Sri M. Narayana Rao) : Will the Hon. the Minister for Food be pleased to state—

(a) the quantity of semolina that has been distributed in the various districts in this Province for sale, the quantity that has been sold, the quantity that has been condemned as unfit for consumption and the cost of the same; and

(b) the price at which the semolina is issued and whether the said price is considered comparatively high?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ (a) The answer to this question and to the first part of clause (b) of the question are placed * on the table of the House.

“ (b) It cannot be said that the issue price of semolina fixed by the Government is high as the price has to be fixed with reference to the actual supply price charged by the Government of India plus incidentals. As the Government of India

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have since reduced the price of semolina to Re. 0-5-6 per lb. this Government also have likewise reduced the price to Re. 0-5-6 per lb. f.o.r. Madras."

SRI B. BHIMA RAO :—" Has the Hon. Minister issued instructions to the Food Committees to sell semolina immediately on receipt instead of keeping in store and allowing it to get spoiled? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Instructions have already been issued to District Collectors to destroy stocks which are unfit for human consumption."

SRI M. NARAYANA MENON :—" Will the Government ascertain the nutritional value of semolina? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" It has long been with us and it is already known not only to the Government but also to the public."

JANAB ABDUL LATIF FAROOKHI :—" Have the Government received complaints about the deterioration of semolina? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" The statement placed on the table gives the quantities condemned as unfit for human consumption in the different districts of the Province. Recently the Collectors have been reminded to look into complaints immediately and destroy stocks unfit for human consumption."

SRI N. VENKATACHALAMAJI :—" Why is not semolina included in compulsory ration? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" It forms part of ration but everybody cannot be compelled to take it."

SRI N. VENKATACHALAMAJI :—" If semolina is intended for the poor, how do the Government differentiate the poor from the rich and issue it to the poor only? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Its sale is not confined to any particular class. It forms part of the ration of all classes."

SRI M. NARAYANA MENON :—" If semolina has nutritional value, why do not the Government compel everybody to take it? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" It is not possible to compel everybody to take it. Only recently we have made the purchase of one unit of wheat compulsory to popularize consumption of wheat."

SRI N. VENKATACHALAMAJI :—" If it is part of ration, where is the need for reducing its price? "

THE HON. SRI J. L. P. ROCHE VICTORIA :—" We are getting semolina from the Government of India. That Government have reduced the price and we have followed suit."

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGE FROM THE ASSEMBLY.

THE DEPUTY PRESIDENT :—“ I have to announce to the House the following messages received from the Hon. the Speaker of the Madras Legislative Assembly transmitting copies of the following Bills as passed by the Assembly in accordance with rule 94 of the Madras Assembly Rules :—

(1) On 16th December 1949—

The Places of Public Resort (Amendment) Bill, 1949 (L.A. Bill No. 39 of 1949).

The Madras Commercial Crops Markets (Second Amendment) Bill, 1949 (L.A. Bill No. 40 of 1949).

The Madras Prohibition (Second Amendment) Bill, 1949 (L.A. Bill No. 41 of 1949).

The Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 42 of 1949).

The Madras Tuberculosis Sanatoria Regulation of Buildings (Amendment) Bill, 1949 (L.A. Bill No. 43 of 1949).

(2) On 17th December 1949.—The Madras Educational Institutions (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948).

(3) On 19th December 1949—

The Madras City Police (Amendment) Bill, 1949 (L.A. Bill No. 45 of 1949).

The Madras Estates Land (Reduction of Rent) Amendment Bill, 1949 (L.A. Bill No. 46 of 1949).

The Motor Vehicles (Madras Amendment) Bill, 1949 (L.A. Bill No. 47 of 1949).

The Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949).

(4) On 21st December 1949.—The Madras Merged States (Laws) Bill, 1949 (L.A. Bill No. 44 of 1949).

and signed by him for the concurrence of the Council.”

III.—MESSAGES FROM THE GOVERNOR.

THE DEPUTY PRESIDENT :—“ I have to announce to the House the following messages received from His Excellency the Governor of Madras :—

(1) ‘In pursuance of section 82, sub-section (3), of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Educational Institutions (Requisition of the Property) Bill, 1948.’

‘In pursuance of section 299, sub-section (3), of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Educational Institutions (Requisition of Property) Bill, 1948, in the Madras Legislative Council.’

(2) ‘In pursuance of section 299, sub-section (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949, in the Madras Legislative Council.’

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[The Deputy President]

'In pursuance of section 82, sub-section (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949.'

3) 'In pursuance of section 82, sub-sections (1) and (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Merged States (Laws) Bill, 1949.'

'In pursuance of section 299, sub-section (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Merged States (Laws) Bill, 1949, in the Madras Legislative Council.'

IV.—GOVERNMENT BILLS.

- (1) THE PLACES OF PUBLIC RESORT (AMENDMENT) BILL, 1949
(L.A. BILL NO. 39 OF 1949).

THE HON. DR. T. S. S. RAJAN :—“ Sir, I move—

‘that the Places of Public Resort (Amendment) Bill, 1949 (L.A. Bill No. 39 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’

It is not necessary to take a licence under the Places of Public Resort Act, 1888, in respect of an enclosed place or building used for public resort or entertainment if its area is less than five hundred square feet. We have received information from various districts that in some cases gambling takes place under the guise of games of skill and that in these cases the licensing provisions of the Places of Public Resort Act are evaded by reducing the area of the enclosed place or building to a little below five hundred square feet. By this amendment to that Act, we want in municipalities and major panchayats to insist on a licence in respect of an enclosed place or building, irrespective of its area, if it is used for any game or competition in which the public are allowed to take part.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘that the Places of Public Resort (Amendment) Bill, 1949 (L.A. Bill No. 39 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’”

SRI R. SURYANARAYANA RAO :—“ Mr. Deputy President, Sir, I rise with a view to ask the Government why they did not consider it necessary to make sub-clause (b) applicable to all places. Its application is restricted to areas within the jurisdiction of a municipal council or of a panchayat classified by the Provincial Government as a major panchayat. The Government consider that gambling is undesirable and that it should be checked to the utmost extent possible. I would wish, Sir, that that clause had been made applicable to all areas by the insertion of the words, ‘within the jurisdiction of a municipal council or a local body’, instead of restricting it to a municipal council and a major panchayat alone. I mention this because it is easy to circumvent this provision by just going outside the limit of a major panchayat area or a municipal area and have the gambling there. Then this law would not be applicable in such cases.

11-45
p m.

[Sri R. Suryanarayana Rao] [22nd December 1949]

"Now Sir, we are shortly going to enact the Village Panchayat Bill into law. A large number of panchayats will come into existence and every place will come within the purview of this provision. And as the Government themselves consider that gambling is undesirable, it is absolutely necessary that it should be checked and reduced to the minimum. I wish, Sir, that when another opportunity presents itself, the Government will insert the word 'local bodies' also in this provision, thus bringing within its purview both major as well as minor panchayats, so that the application of this Act may be extended to all places in the Province to see that the evil of gambling is minimised, as far as possible."

* SRI B. BHIMA RAO :—"Mr. Deputy President, Sir, I want to elicit only one point of information. I am certainly one with the Government in seeing that this evil of gambling is checked. But how would this gambling be checked by the insistence of the taking out of a licence in the manner indicated in the present clause (?). Even in those cases where licences were taken out previously, I have seen how gambling was carried on under the guise of a game of skill. They take out a board and make some holes in it, and ask people to hit it with a ball from a distance, and if it goes into a particular hole, they give Rs. 100, 50 and so on. This is certainly gambling pure and simple, but they call it a game of skill. That is how they obtain a licence and get along with that sort of gambling. If you merely insist in these cases on the taking out of a licence for the purpose how is this evil of gambling going to be checked and put an end to?"

THE HON. DR. T. S. S. RAJAN :—"Mr. Deputy President, Sir, at the outset, I want to make it clear that the purpose of this amendment is not to check or put an end to gambling that is going on in the Province. This Bill is not against gambling as such. The scope of this amendment is specific and restricted. Certain District Magistrates in the Province have found out this lacuna in the Act and pointed out that not specifying an area while ordering licences to be issued in places within that 500 square feet, had led to abuses. Therefore, hon Members will see that this Act really permits gambling in a way. It is to correct the lacuna in the law that this amendment is brought forward. It is not to check gambling as such.

"With regard to the area of jurisdiction of this Act, it includes all municipalities and major panchayat areas, as well. It is only to such an extent that licence is possible and is given and there is an agency to issue the licences and to inspect the areas. It is in such areas that this amendment is being made applicable and it is not possible to make it applicable all over the Province, where there is no special agency to detect crimes and take action thereon. Therefore the limitation under which this amendment operates is made clear. It is intended for a specific purpose in order to see that there is no evasion within that particular area. That is all I have to say in reply to the points raised by my hon. Friends, Mr. Suryanarayana Rao and Mr. Bhima Rao."

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THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Places of Public Resort (Amendment) Bill, 1949 (L.A. Bill No. 39 of 1949), as passed by the Legislative Assembly, to be taken into consideration at once ’.”

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. DR. T. S. S. RAJAN :—“ I move, Sir—

‘ that the Bill be passed into law ’.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Places of Public Resort (Amendment) Bill, 1949 (L.A. Bill No. 39 of 1949), as passed by the Assembly be passed into law ’.”

The motion was carried and the Bill was passed into law.

(2) THE MADRAS COMMERCIAL CROPS MARKETS (SECOND AMENDMENT) BILL, 1949 (L.A. BILL NO. 40 OF 1949).

THE HON. SRI A. B. SHETTY :—“ Mr. Deputy President, Sir, I move—

‘ that the Madras Commercial Crops Markets (Second Amendment) Bill, 1949 (L.A. Bill No. 40 of 1949), as passed by the Legislative Assembly be taken into consideration at once.’”

“ As mentioned in the Statement of objects and reasons, this Bill seeks to amend section 18 of the Act so as to empower Government to make rules in regard to the procedure to be followed by the Market Committee in financial matters.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Commercial Crops Markets (Second Amendment) Bill, 1949 (L.A. Bill No. 40 of 1949), as passed by the Assembly be taken into consideration at once ’.”

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI A. B. SHETTY :—“ Mr. Deputy President, Sir, I move—

‘ that the Bill be passed into law ’.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Commercial Crops Markets (Second Amendment) Bill, 1949 (L.A. Bill No. 40 of 1949), be passed into law ’.”

The motion was carried and the Bill was passed into law.

[22nd December 1949]

(3) THE MADRAS PROHIBITION (SECOND AMENDMENT) BILL, 1949
(L.A. BILL NO. 41 OF 1949).

THE HON. SRI N. SANJEEVA REDDI :—“ Mr. Deputy President, Sir, I move—

‘ that the Madras Prohibition (Second Amendment) Bill, 1949 (L.A. Bill No. 41 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’

“ Sir, the purpose of the Bill is this. When an offence under the Prohibition Act is committed and the case brought before a Magistrate, the prohibition officer is asked by the Magistrate to give out the name of the informer and that is causing a lot of difficulties. When the Excise officers were in charge of prohibition they were exempted as revenue and police officers from giving the names of the informers, but now the names of informers have to be revealed in courts and this results in our not getting any information about such offences and at the same time the informers are exposed to very great hardships and the risk of being attacked by the people who commit the offence. It is to avoid such a contingency that we have brought forward this amending Bill and I hope that the House will accept it.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Prohibition (Second Amendment) Bill, 1949 (L.A. Bill No. 41 of 1949), be taken into consideration at once.’”

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI N. SANJEEVA REDDI :—“ Sir, I move—

‘ that the Bill be passed into law ’.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Prohibition (Second Amendment) Bill, 1949 (L.A. Bill No. 41 of 1949), be passed into law ’.”

MRS. MONA HENSMAN :—“ Mr. Deputy President, Sir, I do not know whether it would be in order to raise this point, but I trust that your generosity will let me touch on two things in this Bill. It seems to me to be a very rare precedent for the Hon. Minister to introduce a Bill without ever giving notice of it however well-meaning it may be. And secondly this Bill provides that the name of the informant need not be made public in a court, because there might be something hidden and something very secret, which should not come out into the open before a court. But you will remember, Sir, that in 1929, when the Sarda Act was passed, it was provided therein that not only has the name of the informant to be published and filed before the officer to whom the information is given, but that a sum of money should also be deposited, very much to the detriment in many cases of the informant, whether it be an association or an individual and then only the case is to be enquired into. But here it seems that it is the wish of the Government not to force the informant's name

22nd December 1949] [Mrs. Mona Hensman]

being given out before a magistrate by the prohibition officer. So a person, if he wants to give any information about an offence committed by any other person under the Prohibition Act, should come before the prohibition officer and give out the information without giving his name. It is as good as an anonymous letter; or the Government may adopt a spy system to detect such cases. But all the same, Sir, this amendment seems to me to be rather strange. I have very great respect for the Hon. Minister who has introduced this amending Bill. Probably he feels that this is going to make very great difference in the apprehension of crimes. Perhaps it may be a precedent to many other things and many other evils which in our country, we, up to now, have the sense to avoid."

* THE HON. SRI N. SANJEEVA REDDI :—" Sir, as I have already explained before, this is a simple Bill. Already the police are exempted from giving out the names of informers and the revenue officers are also exempted from this. During the pre-prohibition days, the excise officers also were exempted from giving out the names of informers. But now, considering the factions in the village, no person dares come forward to co-operate with the Government in the detection of crimes under the Prohibition Act by giving timely information, even if he is willing to do so, because he is afraid that his name would be given out in which case the other party would wreak vengeance against him. Therefore, to get the co-operation of the people who are willing to help the officers, we will have to protect them from people who endanger their lives and property. I know instances where haystacks have been burnt and property looted, because the persons concerned have laid information with the officers which led to the culprits being caught while they were illicitly distilling arrack. These informants have to be saved from the attacks of the distillers. Therefore, I have brought forward this amendment. We do not want to give the names of the informants, so that they may be saved from the high-handed action of the culprits. I do not know if this Bill can be compared to the Sarda Act, which the hon. Lady Member referred to. This is entirely a different matter. Therefore, I move that the Bill be passed into law."

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noon.

THE DEPUTY PRESIDENT :—" The motion is—

' that the Madras Prohibition (Second Amendment) Bill, 1949 (L.A. Bill No. 41 of 1949), as passed by the Legislative Assembly, be passed into law '."

The motion was carried and the Bill was passed into law.

(4) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1949
(L.A. BILL NO. 42 OF 1949).

THE HON. SRI N. SANJEEVA REDDI :—" Sir, I move—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 42 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.'

" The purpose of this Bill is to allow the Armed Forces to have their drinks through their military contractors, and that separate

[Sri N. Sanjeeva Reddi] [22nd December 1949]

permits need not be issued to each one of them. This Act allows the supply of liquors to the staff, doctors and other staff of the Army."

THE DEPUTY PRESIDENT :—" The motion is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 42 of 1949), 'as passed by the Legislative Assembly, be taken into consideration at once '."

* SRI R. SURYANARAYANA RAO :—" Sir, this Bill is consequential to a Bill passed during the last session to which some of us took strong objection. I do not want to repeat the objection except to say that those objections still stand. I may only warn the Government that the Prohibition bastion is being attacked and is slowly giving way. Beware of the consequences."

* JANAB ABDUL LATIF FAROOKHI :—" Sir, it was stated on the last occasion that we did not oppose the Prohibition Amendment Bill. Therefore, it is necessary on our part on this side of the House now to record our emphatic protest against the indirect help given to drink. As my friend Mr. Suryanarayana Rao said, we do not want to repeat the arguments which were advanced on this side of the House on the last occasion. (Interruption by Sri S. B. Adityan.) Whether the Hon. Minister was here or not, it is a joint responsibility, and he would have read the remarks made by the Members on this side of the House.

" Sir, I would bring to your kind notice one point in this connexion. I think—I speak subject to correction—a convention was established in this House that when amendments were made to Acts, the amended Section also would be circulated along with the Bill. I notice that that has not been adhered to in respect of this Bill. I would request you to insist on the Government that hereafter at least the Sections that are to be amended are also printed along with the amendment so that we may know what is going to be amended."

SRI R. SURYANARAYANA RAO :—" The amended section has already been circulated to hon. Members."

JANAB ABDUL LATIF FAROOKHI :—" Sir, I now see that the amended section has been circulated. So, I withdraw all that I said in that connexion. I however oppose this motion."

THE HON. SRI N. SANJEEVA REDDI :—" Sir, my work is made much easier as Mr. Farookhi has withdrawn all that he said. Mr. Suryanarayana Rao said that Prohibition was being attacked, and that it was slowly giving way. We will not give way. I may assure hon. Members that we will continue to work Prohibition efficiently. I request this Hon. House to support this Bill."

THE DEPUTY PRESIDENT :—" The motion is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 42 of 1949), as passed by the Legislative Assembly, be taken into consideration at once '."

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

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THE HON. SRI N. SANJEEVA REDDI :—“ Sir, I move—
‘ that the Bill be passed into law ’.”

THE DEPUTY PRESIDENT :—“ The motion is—
‘ that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 42 of 1949), as passed by the Legislative Assembly, be passed into law ’.”

The motion was carried and the Bill was passed into law.

(5) THE MADRAS TUBERCULOSIS SANATORIA (REGULATION OF BUILDINGS) AMENDMENT BILL, 1949 (L.A. BILL NO. 43 OF 1949).

THE HON. DR. T. S. S. RAJAN :—“ Sir, I move—

‘ that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949 (L.A. Bill No. 43 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’

“ Sir, this Bill is to correct the habit that is rather common in local bodies—I am sorry to say this—with regard to building regulations. A person who wants to construct a building applies for sanction, and it takes months to get the sanction. But it is taken for granted that he need not wait for the sanction of the building. He builds it. As a matter of fact, when the building is completed, it is recognized and no further action is taken to see whether the building regulations have been observed or not. Such a thing is happening now with regard to buildings in sanatorium areas. The sanatorium area is something very different from an ordinary municipal area. Sanatorium areas have got to be very carefully protected. They have to be hygienically shielded from infection getting into that area. To preserve these places of health, they have to be looked after by the Public Health authorities. After the sanction is obtained; any amount of buildings which could not come into that area, are constructed, e.g., small factories and workshops. This is not at all good to the sanatorium area. This will affect the health of the people in that sanatorium. All undesirable buildings round about the sanatorium should not be put up. It is in that view we state that specific permission must be given by a licence, and the nature of the work will have to be described and sanction obtained for the construction of that building. Failure to observe the conditions in the sanction will be an infringement of the provisions of this Bill. We have, for safety's sake, provided a penal clause for imposing a fine of Rs. 500 on those who violate the conditions of the sanction. The fine will have to be continued for such time as the infringement lasts. It is more on account of protection of health to prevent people from disobeying the law, especially in a sanatorium area, that this Bill is brought forward. That is all that is meant by this Amending Bill, and I hope the House will consider and pass it without much discussion.”

[22nd December 1949]

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949 (L.A. Bill No. 43 of 1949), as passed by the Legislative Assembly, be taken into consideration at once ’.”

The motion was carried.

Clauses 2, 3, 4, 1 and the Preamble were put and carried.

THE HON. DR. T. S. S. RAJAN :—“ Sir, I move—

‘ that the Bill be passed into law.’ ”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949 (L.A. Bill No. 43 of 1949), as passed by the Legislative Assembly, be passed into law.’ ”

The motion was carried and the Bill was passed into law.

(6) THE MADRAS EDUCATIONAL INSTITUTIONS (REQUISITION OF PROPERTY) BILL, 1948 (L.A. BILL NO. 25 OF 1948).

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—

“ that the Madras Educational Institutions (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948), as passed by the Legislative Assembly, be taken into consideration at once.”

“ Sir, this is a Bill which had created some comment when it was introduced in the other House originally. The object of the Bill is that if any educational institution stops of its own accord in the middle of an academic year or the recognition of that school is cancelled by the department during the period of an academic year, the Government should have the power to requisition the buildings, furniture, apparatus and other equipment necessary to take over the school. They may even take over control to continue the school for the rest of the year.

12-15
p.m.

“ When the Bill was originally introduced, it simply said the Government could requisition any immovable property and pay rent for it; the period was indefinite. It was referred to the Select Committee, where there was considerable agitation. When it was discussed in the Lower House, it also showed that there was considerable fear among one section of the aided schools, particularly the Catholic section, that the Bill was intended to take possession of all aided institutions, it was a sort of trespassing on private rights and that it was discriminatory in its nature. In view of that, the Select Committee went in detail into this question and amended the Bill considerably so as to accommodate all the objections that were raised and the Select Committee came to the greatest common measure of agreement that was possible in a case like this. The result of the amendment made by the Select Committee is this. Originally it was an indefinite period for which the Government could take over possession. Now, it has been made clear that the object of the Bill is only to take control of the building and property for a temporary period, and in order to set at rest any doubts in the

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matter, we changed the title of the Bill itself and called it 'The Madras Educational Institutions (Temporary Control of Property) Act'. We also made it perfectly clear that if an institution is closed in the middle of an academic year, control will be taken only for the remaining portion of the academic year or, if necessary, for a further period not exceeding one academic year, the object being that the Government may find some sort of way to accommodate the students in that school without being thrown out into the streets. We have instances of managements conducting a school, not paying the teachers, and then suddenly closing the school in the middle of the year. It is not an easy thing to find accommodation for 600 or 700 children in any school, at that time. The Government cannot be helpless in a matter where the students have to be provided for for the remaining part of the year. The only power we had was to cancel the recognition, a remedy much worse than the disease. We had no other power and the situation has become worse now because the number of schools has increased during the last three years enormously and the position is not like some 5 or 10 years before when there were only 200 or 300 children in each school. Now the high schools have got 600 to 1,000 children each. It will not be easy to find accommodation for 600 to 1,000 children in the middle of a year. So, it has become necessary to make some provision for a contingency of a management closing a school of their own accord or the recognition being cancelled in the course of a year. It is not likely that the Department will cancel recognition in the middle of a year. So, a sort of defiance of departmental orders and regulations has set in and doing everything irregular has become common because they know that in the middle of the year recognition is not likely to be cancelled. So, it has become necessary to arm the Government with powers to see that these children are not thrown into the streets, if I may say so, in such a contingency. That is the power we are taking under clause 3 (1).

"Sir, this has been criticized that it is discriminatory legislation and that it is intended against a particular community. I, for my part, find no sentence or clause in this Bill which can be said to be discriminatory. Particularly the objection to this Bill has come from the Catholic community. True, the Catholic community has a large number of aided institutions in this Province, but the majority of the institutions are not Catholic ones. There are about 700 aided institutions of which only 1/7th are Catholic ones. I think there are more non-Catholic than Catholic institutions whose recognition has been cancelled. To say that this is discriminatory means that we have an idea that the Catholic schools or any other sectarian schools should be closed. It is more easy for the Government to cancel recognition than to find a way to accommodate the students. I only want to assure the House that no such discrimination has been meant and the only idea is that if a contingency happens like that, we must have sufficient power to see that the students thrown out in the middle of the year are given an opportunity to complete that year by the Government finding another building or finding accommodation for them in other

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schools. It was said that Catholic institutions were not merely educational institutions but there were religious blocs attached to those institutions. We have made it clear that if an occasion arises for the Government to take temporary control of an institution and if the Government are not in a position to conduct that school themselves, it cannot be entrusted to any other private body which does not belong to the same denomination as the one which was conducting the original school. So even that fear has been allayed by the amendment that was accepted by the Select Committee. Originally the proviso to sub-clause (5) of clause 3 was ' Provided that such person or body shall, as far as possible, be of the same religious denomination. . . ' When the Select Committee report was discussed in the other House, it was said that it should be given only to a body of the same denomination to which the original body belonged. An amendment was moved that the words ' as far as possible ' be removed, and I agreed even to that. So, there may not be any doubt. We have also provided an alternative provision that if the Government do not act within the academic year of the closing of the school or the withdrawal of recognition, Government cannot act further. So, such safeguards have been provided even to allay imaginary fears that may arise."

THE DEPUTY PRESIDENT:—" The motion is—

' that the Madras Educational Institutions (Requisition of Property) Bill, 1949 (L.A. Bill No. 25 of 1948), as passed by the Legislative Assembly, be taken into consideration at once.' "

* SRI R. SURYANARAYANA RAO:—" Mr. Deputy President, Sir, I am sure every Member in this House is in full sympathy with the Government in their object in bringing this legislation. I wish the Hon. Minister had given us some information regarding the necessity which arose for this Bill. Have there been any managements who have proved recalcitrant? Secondly, there are sufficient provisions in the Grant-in-aid Code under which institutions in receipt of grant either for purposes of building or for equipment are under the control of the Department of Education. I wish he had also dealt with this point as to how those provisions are inadequate to meet the needs of the situation. As far as I can read the provisions of the Grant-in-aid Code, under article 56 in respect of managements which are in receipt of grants for building and under article 60 in respect of managements which are in receipt of grants for equipment, the department possesses ample powers to take possession, if they feel the need to do so.

" Sir, it may be that the legal pandits of the Government have suggested that those articles are not enough for Government or for the department to enforce their orders. If that is so, this Grant-in-aid Code has been in existence for a number of years; why did not the former Government feel the need of the kind that has arisen now? I think the Minister for Education must convince this House of the necessity for this piece of legislation.

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" Sir, none of us, I think, have given notice of amendments. With your permission, Sir, I would like to draw the attention of the Hon. Minister to some points arising from the various clauses of the Bill. In clause 3, sub-clause (3) proviso, it is said 'Provided that failure to comply with the provisions of this sub-section shall not affect the validity of the order.' I do not know how the Hon. Minister for Education, being himself a lawyer, could accept such a proviso. I am surprised such a provision has been introduced. The procedure as to how the order is to be served could have been prescribed by the Government under their rule-making power. A person who is to be deprived of his property, whether he is a good manager or a bad manager, must be aware as to why the Government propose to take over the property and what is going to happen to it.

" The proviso to sub-clause (6) of clause 3 says :

'Provided that the Provincial Government may, if in their opinion it is necessary so to do, by an order in writing published in the prescribed manner, direct that their control over such property shall continue for a further period not exceeding one academic year.'

It means in the aggregate not more than 2 years, the year in which possession was taken and another year, if an extension is given. Is not the purpose of this Bill defeated by possessing the property only for two years in the aggregate? I would have liked the addition of the following words :—

'or till such time as necessary arrangements are made for the proper conduct of the institution.'

" Sir, it may not be possible within one or two years to make the necessary arrangements. The object of the Government is that the institutions should not be closed and the children should not be put to inconvenience.

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" Sir, in respect of immovable properties, a procedure is laid down. As regards movable properties also, I do not know why the same procedure that has been laid down in the case of immovable properties, like, science apparatus and other equipment, furniture, etc., which all cost a great deal has not been adopted. Any provision made in respect of immovable property should also be made applicable in respect of movable property. Then there is clause 8 (2). Under this the Government relinquish their control over any property and deliver the same to some person. But suppose there is another person who is entitled to that property. He is asked to go to a court of law and establish his claim. The Government themselves recognize that this 'shall not prejudice any rights in respect of such property which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the property is so delivered'. Is it fair to promote litigation in respect of this? Could not the Government deliver the property to the same management or person from whom they have taken control? It is not necessary for the Government to say that the fact that they have handed over this property to those from whom they have received would not debar other persons who have rights in that property from proceeding to Court. It is

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ordinary law that any person who has a claim, whether the Government took over the property or not, can proceed to a Court if the owner of the property is in any way indebted to him or there has been a case of alienation. Then there is a lacuna, as lawyers might say in clause 8 (4), where a mention is made of notification in the *Fort St. George Gazette*. But in clause 8 (3) it is said, 'in the case of any building or land, shall cause a copy thereof to be affixed on some conspicuous part of such building or land'. Should not some such provision also be included in clause 8 (4). In the previous clause it is stated that a notice will be published in the Gazette and a copy thereof shall be affixed in some conspicuous place. It is 'and' not 'or'. Of course it is only legal. In sub-section (3) of clause 8, you suggest two methods by which a notification is to be made, i.e., not only publication in the *Fort St. George Gazette*, but also that a copy thereof of the notification should be affixed on some conspicuous part of such building or land. In sub-section (4) of the same clause, you do not mention anything of this second part. There is no reference to this at all in this sub-section.

"Then, under the rule-making power, I do not understand how the Government are competent under rule 13 (2) (d) to say that they can make rules with regard to the payment of the costs incurred by the parties in connexion with such appeals. It is for the Courts to decide who should pay the costs and what should be the costs. How can the Government by rules under the statute prescribe who should pay the cost and what should be the cost. I do not think it is right to interfere with the discretion of the Courts.

"These are the points that suggested themselves to me. I am not a lawyer. I am only a layman. But as I was going through the Bill, certain points occurred to me which I have referred here. I once again request the Hon. Minister for Education to tell us how and why they felt the need for this piece of legislation. It was introduced in July last and it is being enacted now. Have any cases occurred even since July up to now which the Government found it difficult to deal with? If not, why take this power unnecessarily and place it in the hands of the departmental officers. I do not know what the fears of the various communities are with regard to this measure, and whether they are legitimate or not. But I feel that unless a case is made out for this piece of legislation, I do not think the Government will be well-advised to proceed with it. Sir, my hon. Friend, the Minister for Education is only an adopted father of this Bill. When he adopted it and made it his own, I hope, Sir, he examined the various provisions and then pleaded for this piece of legislation. Simply because, his predecessor introduced it, it is not necessary for him to proceed with it. Unless he is satisfied even during the period that the Bill has been before the public that there were cases in which such drastic remedies as the ones provided in this Bill were found to be necessary, he need not proceed with this Bill at all."

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JANAB K. T. M. AHAMED IBRAHIM :—" Mr. President, Sir, ever since this Bill was notified, there has been a storm of protest throughout the land against this measure, especially among the educated circles. It must be conceded that private agencies have been playing a very large part in the spread of education in this Province. Among the private agencies one particular agency has been from the very beginning protesting against this measure. They felt that this measure is calculated in effect to affect their work very seriously and a very grave suspicion has been created in those quarters. It cannot be said that this suspicion has no ground. Thus there has been a strong suspicion and they have appealed to the Government to drop this measure. They have also waited in deputation on the previous Education Minister from whom our present Education Minister has inherited this Bill. I would appeal to the Government to consider whether there is any necessity at all to enact this measure. There is no use of enacting measures for hypothetical cases that may possibly arise later. In this case, I would appeal to the Hon. Minister to consider whether there is absolute necessity, and whether this measure is necessary to deal with specific cases which may arise immediately or in the near future. As has been pointed out by the previous speaker, Sir, all these years in the past, no Government found it necessary to enact such a measure. Then, why should you suddenly impose this measure on the people now who are engaged in the cause of education. I do not think that the Hon. Minister has made out a strong case for the enactment of this measure at this moment. True, he has brought forward certain amendments in the Lower House, particularly with regard to clause 3, sub-clause (6). Still, I would appeal to him, even though the Bill has been passed in the Lower House, to consider whether if this measure is not passed there is going to be any serious difficulty to be faced by the Education Department in the matter.

" Sri Suryanarayana Rao was referring to the difficulty under sub-clause (3). I would like to mention here the difficulty or obstacle under some of the other clauses. In sub-clause (2) of clause 3, it is stated, " the taking over of such control shall be effected by an order in writing addressed to the person who is deemed by the Government to be in possession of the property; and the order shall be served on such person in the prescribed manner ". Sir, when these schools are being controlled by the Education Department, cannot they find out who is exactly in possession of the property? Here again you want to be speculative. You say, it will be addressed to the person who is deemed by the Government to be in possession and not to the person who is under the ordinary law expected to be in possession. As a matter of fact, somebody else may be in possession according to the records. I do not know why there should be such doubts and suspicions even with regard to the framing of an Act. I do not want to say anything further on this because this has been agitating the minds of the people especially those who have been engaged in the spread of education for decades. They have expressed their

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opinion clearly. I would like the Hon. Minister to explain whether there is any imperative necessity to pass such a measure as the present one."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. President, Sir, at one stage, I had an opportunity to be in the Select Committee which considered some suggestions with regard to the proposed Bill, when the former Minister was in charge of this Bill. 'I accept the position that there has been some changes introduced and changes for the good in the final conception of the Bill and the Bill as it has been passed. Even so, Sir it requires further amount of consideration whether a Bill of this nature is not likely to prejudicially affect the possibility of private institutions springing up for the sake of education in this country. It is unfortunate that the Government's finances are such that they have not been able to come forward with those measures which other Governments in democratic countries have come forward for the spread of education. Here I have a copy of the Education Act of 1944 passed in England which gives a graphic idea of the responsibility of the Government in regard to the provision for education, both at the primary stage, at the secondary stage and at the stage of further education. The Government have taken full responsibility in that country for seeing to it that every boy and girl is given facilities for education, not only in the primary stage, not only in the secondary stage, but also in the stage which is now known as further education up to the age of 19. Well, I have been looking in vain all these years ever since the popular Government came into power in 1946 to see what opportunities are given by the Government in the cause of further education and what their efforts have been in this direction. Almost every effort that has come in this direction is from private agencies. It is due to missionary institutions and it is due to the philanthropic citizens and it is due to a large number of associations of a voluntary nature that education has spread in all its grades—primary education, secondary education and collegiate education of which I can speak with some confidence, as well as technical education. This Bill has come forward on the plea that because the schools may sometimes be closed, it is necessary for the Government to take over control of these schools. May I ask, when the Government closed certain of their schools, as they were supposed to be on the basis, as I then understood it to be, that they were not working propositions, how can they take powers to take over the private schools? A number of schools were closed by the Government, because they were supposed to be not financially sound propositions. Because of the small number of children that will be thrown out, I ask again what is the authority that is responsible for taking over the schools. Is it right that there should be one law for the Government of the day and another for the citizen of the country?

" I feel also, while I give due credit to the Hon. the Minister for the various changes which he has effected in the Bill, there

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are certain points which require further consideration. This Bill includes colleges. May I know, Sir, whether the Universities concerned had been consulted before the colleges were included in this Bill. How many colleges have the Government got, as compared with the very large number of very efficient colleges maintained by private managements. I can say, Sir, that the position of collegiate education in this Province would have been deplorable, the position of education in the University of Madras, at any rate, would have been most deplorable and many more questions would have been asked about the failure to get admission into the colleges, if a very large number of big private managements had not come forward and opened colleges of a conspicuously successful nature. Sir, this Bill is a reflection on private managements. It is an undeserved reflection on them. I do not bother whether they are religious managements or non-religious or Catholic managements. But I must pay my humble tribute to the Catholic institutions in this Presidency which have done yeoman service in every field of education. Fifty per cent of the students reading in collegiate institutions under the University of Madras are catered to by Catholic institutions in this Presidency. Let us not forget that fact. Who will at any time suggest that inefficient managements and managements which misbehave should not be brought in line and corrected? I seek to suggest that a reflection of this kind is hardly desirable upon the many institutions that have sprung up because of Government's lack of interest in the education of the people of this country and which have done yeoman service.

Let me now go to some other points. The Education Act of 1944 is a very valuable document, because it prescribes a method by which situations are met if certain educational institutions do not come up to the primary standard. In such cases, what does the Education Act say? The responsibility in the whole of the Education Act, 1944 is on the Minister. I wish to particularly draw the attention of the Hon. the Minister in charge of Education to the fact that in every Section of the Act, wherever a measure has to be taken, wherever a school is to be considered a defaulting school, it is not the Collector of the District, it is not some authority who may be prescribed by the Government, but it is the Minister who should see, it is the personal responsibility of the Minister to see, that that particular Section of the Act is administered. Section 71, for instance, says :

‘(1) If at any time the Minister is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds the Minister shall serve upon the proprietor of the school a notice of complaint .

I can repeat section after section but I am convinced in saying this, that this Bill seeks to confer power on various persons whose responsibility is certainly not to the Legislature in the direct sense in which the responsibility of the Minister would be to the Legislature. If in a country like England which is of the size of this

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Province, at any rate, the Minister can be personally held responsible for the administration of every section of this Act of 1944, is it just, is it fair, that the Government here should pass a measure whereby a large number of subsidiary agencies get control of the educational institutions that cannot work, for valid or for invalid reasons?

“There is another point which I would like to suggest. We are all for education. We cry at the top of our voice that education should spread but what do we do? Whether we are Government, or whether we are Local Boards or any other machinery, every educational institution is being taxed. The local authority wants to claim taxes. I have ventured with great diffidence, mustering all the courage that I can as Vice-Chancellor, to send an appeal to the Corporation of Madras to exempt from the taxes the building that has come up which at that time was not within the jurisdiction of the Corporation of Madras but which now the Corporation of Madras has sought to get within its limits, a building for which no provision has been made for municipal amenities, no drinking water is provided, no roads are put up within its campus and no drainage is maintained, and yet a large bill for the payment of the annual assessment in the shape of municipal taxes is sought to be levied. I still hope, Sir, that with the co-operation of the Members here and in the other House, the University will be exempt from these taxes. But may I in this connexion read what Section 64 of the Act of 1944 says:

‘No person shall be liable to pay, in respect of the school premises of any voluntary school, any rate the proceeds of which are applicable to public local purposes, whether directly or by reason of any precept or otherwise, being a rate leviable on the basis of an assessment in respect of the yearly value of property.’

But we on the other hand, seek to increase those rates on colleges, on every conceivable school and when the party is not in a position to pay for it probably he will be a defaulter under the particular section of this Act. May I also in this connexion refer to the fact, a common thing in all legislations that have been brought forward within these many years that generally when the Government make rules for carrying out the purposes of the several Acts, these rules are not subject to any sort of criticism by the Legislature. On the other hand, in the Education Act of 1944 it is laid down under Section 112 and it is a regulation that—

‘All regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new regulations.’

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.’

Sir, I wish to repeat emphatically that this procedure that has been made in the Mother of Parliaments is a procedure which should not be deviated from and yet under every important Act that is passed, every expropriatory Act, if I may use the word without offence, whether it is Zamindari Abolition, whether it is

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Control, or whether it is a sort of Compulsory Taxes or an Act for requisitioning property or taking powers for utilizing for temporary periods educational institutions, rules are being sought to be made, and the rules would never come to light before this House as such, and there will be no opportunity given to the House to express any opinion about the rules whatsoever. If the Houses of Parliament which have got important business to transact, of an all-world nature, if I may say so, can find time to discuss these rules, to examine them, and if it is incumbent upon the Government of the day to place the rules before the Houses of Parliament and to give them as many as 40 days, then what prevents our Legislatures to adopt a similar procedure even for a restricted period? It is always the case with the Government to offer no time for discussion in the Legislature. Let us understand the principle. Are we working a democracy or are we not? If we are not working, let us accept it as such and let us go forward without any rule-making power for the working of any Act that this Government may propose, expropriatory or otherwise, and let us all say 'Hallelujah' to the glory of the Bill that may be passed."

* SRI M. NARAYANA MENON :—" Mr. Deputy President, Sir, I am glad that the Government has introduced such a Bill as this. Though some provisions may not be fully acceptable to some of the hon. Members, the general nature of the Bill will most certainly be acceptable to all. We cannot think of the progress of education in the British Isles during the last 200 years and then say we have not done similar things here. Our aim must be that every boy and every girl is properly educated. It was in the course of last two years probably—after August 15, 1947 the responsibility to educate our children has really come upon us and every Province and also the Centre have made it their policy to do so. But things cannot be done all of a sudden. For the last 150 years, up to 1947, the Government of the country did not work, did not do anything that was necessary for the accomplishment of this object, although in the British Isles they have been adopting a different policy. Now this Government must realize that the West has moved and so they must and I am glad they are moving. Sir, there are institutions which are run by Catholic, or non-Christian or Hindu or Muslim organization. There are also other institutions, some of them being conducted with the aid of the Government. Suppose any such organization on account of political reasons or on account of wrong notions does not want to continue that institution; then the Government must take it up. But can the Government at present take it up without due preparation all at once? Certainly they cannot. But the Government must do it, by providing for the taking over of movable as well as immovable properties concerned so that the institution may be carried on for the time being for one year or for two years at the most, by which time the Government must be prepared to have the properties returned or to pay to the owners of the properties the value of the things that they have taken over. This is what the Government have done in this Bill, and we cannot blame them for it. After all our ideas of property rights are undergoing a change. If you look at the whole matter,

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you will find that all over the world the idea or the concept of property is undergoing a rapid change. The properties are meant for use and not for being hoarded. Property is not to be kept by one for his own purpose only. Some change in this direction is going on not only in this country but in several parts of the world and we have to accept it. Now what the Government proposes to do is to take up such properties under certain conditions and use them for the public good for a specified period and then return the same to the rightful owners. If they cannot return within the specified period, in certain cases, they will pay compensation on certain lines. Therefore, there is not much to be condemned in this Bill in so far as taking over of the properties by the Government.

"Then there is another point which relates to communal denomination, in the matter of entrusting the management of the school taken over by the Government. The Minister concerned pointed out that he had introduced a certain change in one of the clauses, i.e., clause 3 (5) where there is the following proviso :

'Provided that such person or body shall be of the same religious denomination, if any, as that of the person or body from whom or from which, control of the property was taken over.'

The fact about this proviso is that the words 'as far as possible' which found a place in the Bill when it was placed before the House for consideration were taken away to satisfy certain critics. The Government had accepted an amendment to omit these words. My submission is that these words ought not to have been omitted. Suppose a Muslim conducts a school not for the Muslim boys and girls alone but for all people. Now the conduct of the school cannot be continued by a Hindu, because the object of the present proviso is to hand over such an institution to a member of the same religious denomination. Suppose this person is unable to get on with the maintenance of the school in which boys and girls from all communities study. Is it not the duty of the Government to take it over and give it to some one who will run it efficiently? And what is the harm in handing it over to a Non-Muslim, either a Hindu or a Christian, in so far as the institution caters to all? So, Sir, I strongly feel that the words 'as far as possible' ought not to have been omitted.

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"If a school is taken from Muslim denomination, it may be handed over to a Hindu or a Christian under certain circumstances. Another matter is, suppose it is a Muslim religious institution and he did not continue it, it may be handed over to a Muslim gentleman. There is no harm because he would continue the school as it was continued to impart religious instructions. If supposing there has been no religious education at all in such institutions, where is the harm in handing them over the Christian institution to a Hindu or a Muslim? If the institution is not conducted by the Christian body for religious purposes why should it not be handed over to any other man irrespective of community?

"Then, Sir, I want to refer to two or three points relating to legal matters started in the course of the discussion. For instance in section 3, sub-section (3) it is stated that a copy of every order

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under sub-section (2) shall also be served in the prescribed manner on the owner of the property concerned, if he is not in possession thereof. I would request you to consider the clause 'if he is not in possession thereof', when you read the proviso. The proviso says that failure to comply with the provisions of this sub-section shall not affect the validity of the order. This Bill empowers the Government to take possession of the property from persons in possession and the Bill however provides for notice should be given to the owner of the property also. But an order to take possession from a person who is deemed to be in actual possession of the property, will not be invalidated if no notice is served on the owner also, because the property is not taken from the owner but it is taken from the person in possession. There is nothing wrong in that proviso whereunder the failure to comply with notice to the owner shall not affect the validity of the order because the order is only an order for possession. There is nothing injurious to the owner of the property in that proviso.

"In sub-section (2) of section 3 it is stated that the taking over of such control shall be effected by an order in writing addressed to the person who is deemed by the Government to be in possession of the property. The objection relates to the words 'deemed to be in possession of the property.' Indeed, it is a necessary clause because the Government ought to fight saboteurs. Suppose A is in possession of the property at the time the order is passed and B takes possession of the property before the order is served. At the time the orders are to be executed B is in possession of the property. Thus very easily the person in possession of the property can sabotage such an order. Therefore it is that the section says 'deemed to be in possession of the property.' Otherwise Government can very easily be duped.

"Then I have one objection to one part of clause 4, which says that the Collector shall decide to whom the rent is payable when there is a dispute. An appeal against this can be made to the District Judge. The District Judge is of course the person administering civil law and I can understand the appeal being placed before the District Judge. But the Collector does not administer civil law. He exercises only authority. Any decision by him will not help the party to get proper justice even from the District Court because the Collector will not be taking legal evidence. Legal evidence must be taken only by the Judge who is qualified for that purpose. At the outset the decision shall not come from the Collector. The decision must come from a Civil Court to start with and then only the decision will be proper and the points will be considered with the help of the lawyers. But here all authority is given to the Collector who passes orders first and then the right is given to the party to take the matter in appeal to the District Judge. It is better that the title to immovable property is settled by the Civil Court. My submission is that there must be an amendment with reference to this matter.

"Section 11 states that no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court of law. That section I think will affect even

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the order of the District Judge. There is no appeal from the decision of the District Judge in the matter. That an appeal should be allowed and this section should be worded not to affect such a decision of the District Judge. If you want to amend it here it will be difficult. It will have to go back to the Assembly and so many other things. But this Bill has to be passed earlier in so far as taking of these school properties is concerned. The Bill may, therefore, be passed now but I request the Government to consider this matter at an early date and the necessary amendments may be introduced."

* SRI B. BHIMA RAO :—" I should like to say a few words, Sir, on the necessity of this Bill. My friend, Dr. Lakshmanaswami Mudaliyar knows the case of the College in my place. It went on for four or five years without complying with the reasonable conditions imposed by the University authorities and hence they cancelled the affiliation. Government were also good enough in this particular case to give a building grant of one-half of the amount required as a very exceptional case. The estimate for the construction of the college buildings was 4½ lakhs and the Government as an exceptional case in these days of financial stringency were pleased to grant 2 lakhs for constructing the buildings and for equipment. But the authorities of the College said we cannot go on. Hence the University authorities cancelled the affiliation. In such case as this, I submit, Sir, a measure of this nature is absolutely necessary. I would rather say that instead of saying that the Government may step in and take possession of the building I think it is the duty of the Government to step in as a matter of necessity and take adequate measures so that the collegiate education might continue in places like that instead of stopping abruptly as at present. Of course, I pleaded very hard with the Government of Madras. But on account of the financial considerations they won't accede to my request. Not only myself, but the Municipal Council, Bellary, and several others urged upon the Ministers who have been touring the district the necessity for the establishment of a College and the continuation of such a College. But the Government could not grant this."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" On a point of explanation, Sir. The College did not close before the last working day and the Government had at least three years' notice as to the position of the College and the attitude of the persons in charge of the College."

* SRI B. BHIMA RAO :—" I think the measure covered the case of the particular College I am speaking of at Bellary. I only wish that the Government had enacted this measure before and taken possession of the buildings as well as equipment and continued the College. Then, Sir, with regard to the introduction of the proviso in clause 3, I am of the same opinion as my friend Mr. Narayana Menon. This proviso, I feel, is a concession to those authorities who contended that this measure has been enacted with

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a view to, may I say, suppress the aspirations of the religious denominations to establish their own institutions. I think, Sir, it is rather unhappy that this proviso should have been introduced because there is the implication there that the real object with which this legislation has been introduced is on communal considerations which I believe did not exist in the minds of the Ministers or the Cabinet. I may also say, Sir, in the case of the Bellary College, which was run by a particular religious denomination, if this Act had been enacted before and if the Government had taken over control of that College, why should it be handed over to the very same gentlemen who were incapable of running the College? Since the whole thing has come from the Assembly, I do not think this clause should be deleted and the Bill sent back to the Assembly. I say, Sir, such a measure is absolutely necessary and Government should have power to take possession of Colleges in such contingencies."

MRS. MONA HENSMAN :—" Mr. Deputy President, Sir, 1-15
after what has been said by hon. Members about this Bill, there P.m.
are only a few remarks for me to make and I trust the House will have the patience to bear with me when I ask the Hon. Minister for certain clearing up of a few doubts in my mind. For instance, the money and the properties that are taken over by the Government, will they be guaranteed to the authorities and the management on their return? Will the Government have power to take charge of such endowments and moneys as are necessary for the continuation of affiliation of certain institutions? If there is such a guarantee, it will not mean that there will be a displacement or divergence of after-life of that institution. Then there is sub-clause 5 (ii) of clause 3—I do not want to go into details as this is the opening discussion—wherein the Government has got every right to ask somebody to buy or pay money for taking over such an institution as has been deemed by the Government to be badly, illegally or inefficiently run. Can the Government settle the amount that such a body is to pay for taking over the institution and meanwhile will that body as the step-mother or the step-father have the power to deal with any of the immovable properties because in clause 3 (1) there is no guarantee that the Government has got to return all the immovable properties? If I say Government it is because it takes it up in the first instance and it may pass it on to somebody else, but ultimately the Government is responsible since it has taken it over from the management. There seems to be no guarantee that such property will be returned intact, or in any way not interfered with and there is also no guarantee that in the case of teachers or other members of the institution, they will be paid according to the rates that are laid down for affiliated institutions. For the schools the Director of Public Instruction and for Colleges, the University will presumably be the ultimate authority. I feel there must be an assurance that such properties will not be interfered with, that endowments will not be annexed or otherwise used, that teachers and other members of the staff, menials and others

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will be given salaries at prescribed rates. The trouble is this, Sir. Managements will be deemed to be inefficient because something has happened, either the staff is poor, or the administration is poor or the organization is not efficient and coming to an end and the Government will have very good reason for taking over and suspending their life. Therefore, I am asking for these guarantees because presumably the management is not in a position to guarantee such things. And then, Sir, what other properties are included within the scope of the Bill, will it include hospitals, business concerns and new sanatoria hitherto used by the Military more or less as private institutions; would these also be dealt with in the same manner as these private educational institutions? Then finally, Sir, I am thinking of clause 7. I have been assured by the hon. Leader of the Opposition that man embraces woman in this House. Yet when women and children are to be displaced pursuant to this section, not necessarily in educational institutions, would alternative accommodation and suitable accommodation be provided for those about to be displaced? I would be very grateful if the Hon. Minister would be kind enough to clear some of these doubts in my mind. Of course it is a very great step and a noble step if it is done according to the principles of the Hon. Minister but one may not be sure that he will always be there and the country may not always be inspired by the same level of education, culture and truth. If the Hon. Minister could deal with some of these points and give an assurance that what is taken will be returned intact without having suffered in any way but on the other hand be bettered by the Government taking over, I should be satisfied."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Deputy President, Sir, I shall deal with the legal objections and doubts and also the point raised by Mr. Suryanarayana Rao and other hon. Members suggesting that there was no necessity for the Bill. They observed that if managements were recalcitrant, or doing wrong things or defying the authorities, the M.E.R. have made ample provision for all those things. Apart from the defiance on the part of private managements of orders of the education authorities, there have been several cases where managements actually closed down the institution in the middle of the year. Two such cases have come to my knowledge. For some time past the number of schools has been going on increasing and speculators seem to be taking to school-running as a sort of business to make a sort of profit. There was one such instance in my district; a school with 700 students on the rolls suddenly closed in the month of August or September without paying any of the teachers and the nearest High School was some 10 or 12 miles away and even if it was near, how to make provision for such a large number of students there in the middle of the year? In that case, because it was in my district, temporary sheds were put up and the teachers, such of them as had not been absorbed elsewhere were taken up and the Director was instructed to continue the institution and finish the course. I wish to ask hon. Members what could be done in such

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cases? The manager had been given the building grants and the grant for furniture and under the M.E.R. we have a charge on the properties and we can see to it that it is not alienated but we have no power to use the buildings and furniture or the apparatus. Mr. Suryanarayana Rao said that the M.E.R. have been in existence so long but I do not think there would have been more than 300 institutions in the past whereas the number has gone up to more than a thousand and it is increasing every day. So for a temporary period, we should have power to see that a school is not abruptly closed in the middle of a year and that we continue it for the benefit of the students. After the Select Committee, I asked the Director of Public Instruction whether he feels the necessity for the Bill. He feels that there is need. Defiance of rules and orders is becoming more common now and what is the remedy? The remedy is to cancel recognition; but is it not better that there should be a provision for running the school for a year rather than go without any school? The Government might conduct it themselves or if some other management is willing to take it and if there is no objection, what is there if we entrust it to that management until the local body or the local representatives start another school. The existing power is to destroy schools by the withdrawal of recognition. It is also my answer that the existing rules do not cover a contingency which is envisaged in this Bill.

“ Let me assure you, Sir, there is difference between sub-clauses (2) and (3) of clause 3. I may have a school running in Malabar. If it is closed and action is to be taken according to the provisions of this measure, notice has to be given to the person in possession and he may not be the person who is the owner and that is why in the matter of taking over an order in writing is addressed to the person in possession according to sub-clause (2) and according to sub-clause (3) a copy of such order is served on the owner of the property, because the owner must know that such action has been taken. So, Sir, both the sections are necessary. The property has to be taken possession of immediately and that is secured according to sub-clause (2) and the owner is also apprised of it under sub-clause (3). Reference has also been made to sub-clauses (3) and (4) of clause 8 and hon. Members wanted to know the difference between them. Both these sub-clauses are necessary. If a property is to be handed over to a particular person and he cannot be found a notification is published stating the Government had relinquished control of the property and according to sub-clause (4) it is to be deemed to have been delivered to him and the Government shall not have the liability to pay rent or compensation for any period after that. Sub-clause (3) is intended for the person to whom it should be handed over and sub-clause (4) protects the Government from liability to pay rent or compensation from the date of the publication. I am unable to understand Mr. Suryanarayana Rao's objection to sub-clause (d) of clause 13. Whatever is the decree of the Court, that has to be met and the Government cannot make an order as to costs in respect of matters pending in Courts.

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" So much regarding legal objections and now I wish to say a few words regarding general objections. It has been said that it may prejudicially affect private enterprise. I entirely agree with Dr. Lakshmanaswami Mudaliyar in expressing our thanks to the Christian Missionaries, particularly Catholic institutions for the impetus and help they have rendered for the cause of education in this country. I also know as I said in the other House, that except a few model schools and separate schools, like the Muslim Schools in certain places, the entire elementary education and secondary education are in the hands of either local bodies or private agencies. We have only a few institutions such as middle schools attached to training schools and a few Muslim Schools. It is not as if I am doing things prejudicial to private institutions, discouraging them and by that am presiding over the liquidation of education in the State. I am completely conscious of my responsibility and if I do anything to discourage private agencies, then practically there will be nothing for an Education Minister to do here.

" But I do not envisage such a position. Nothing that has been mentioned in this Bill would have such an effect. Dr. Lakshmanaswami Mudaliyar asked, when Government closed down institutions, did they provide for the teachers elsewhere? Sir, I do not remember any case of having closed down any institution in the last one year. Orders were passed, if at all any were passed, only against aided institutions. And even there, I am not aware of any institutions being closed in the middle of the year or in the course of an academic year."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, I was referring to the closing down of uneconomic schools, and I asked whether the children have been provided elsewhere."

THE HON. SRI K. MADHAVA MENON :—" Sir, such schools were rare. Orders were passed only in the case of uneconomic schools. In some cases, in an identical place, two schools would be found running and they would be serving the same area; and there may not be sufficient strength for the two schools. So instead of having both the schools the Director would close down one school and give the grant that was given to the closed school to some other deserving school. I do not think there was any case where an economic school was closed down. If that had been done, I submit, it would be wrong. Suppose there is a school in a place with not sufficient strength, and there is no other school within an area of five miles round it; then it would be wrong to close down that school, even though it may not be an economic school. Then, Sir, if any one were to go round Malabar, he will find in an identical place a Board Moplah School and beside it a Board Hindu School. Practically there would be very few Moplah pupils in the Moplah School. I say, ' Why not close the Hindu School and amalgamate the two and call it Moplah School and run

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it'. In such a case it would be economical to close down one school. I may say, Sir, I am not aware of any economic schools being closed."

At this stage the Council adjourned for lunch.

(After lunch—2-30 p.m.)

THE HON. SRI K. MADHAVA MENON :—" Sir, I have replied to the criticism against the wording of the Bill generally. It remains for me now to answer some of the general points raised by Dr. Lakshmanaswami Mudaliyar. Mr. Ibrahim said that I have not made out a good case for the Bill and that Government are suspicious of private institutions and aided institutions. I submit that it is only institutions which are not doing things properly that have any reason to be afraid of this Bill. If there are any suspicions it is due to the sense of guilt on the part of institutions rather than on Government. If it is the idea of Government that they want to take action against any particular set of institutions or institutions run by a particular community, even without this Bill, it can be done. Government could ask the Director of Public Instruction to cancel recognition and then take possession of the school; and there is nothing more to be done. So it is wrong to suggest that this Bill is intended as a discriminatory legislation, as the Archbishop of Madras has been saying all through, whenever he gets an opportunity to speak. As I said before, the reason for this Bill is that the number of schools is increasing enormously and the number of pupils therein are also increasing enormously. There are cases of management running institutions with a speculative motive. Though there have been instances of even mismanagement or wrong doings in the case of even good Catholic management, as a rule, recent speculative managements have been doing more bad things than the old established institutions, and so we have to guard ourselves against that and we want to have power of control over them. It is for this, this Bill has been brought forward.

" Then, Sir, Dr. Lakshmanaswami Mudaliyar said that this Bill is a reflection on private institutions. Sir, I have already said that it is not a reflection on private institutions. On the other hand it will be a compliment to them, as we will have no occasion to use this Bill against them. The hon. Member referred to the English Education Act of 1944. I had occasion to go through it a few months back. Certainly it will be the proudest day for us if we are to have a Bill like that because that puts the responsibility of entire education, primary and secondary, on Government. I am sure if such a legislation is to be brought in this House there will be a hue and cry of expropriation because that Act empowers Government to take charge of even aided institutions, for whatever purpose they may be run. Even the appointment of teachers and their dismissal in the controlled institutions are vested in the

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Minister. I entirely agree if this Bill can undertake all the responsibility contained in the English Education Act—if financial implications allow it—then that will be a consummation most devoutly to be wished for.

“ Then, Sir, I agree with Dr. Lakshmanaswami Mudaliyar that the progress of education in this country has not been as it ought to be. Sir, that is not due to the lack of interest in education of this Government. This Government has been in office only for the last couple of years.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ You have been in office for the last four years.”

THE HON. SRI K. MADHAVA MENON :—“ It is three and odd years. In three and odd years it is impossible even with the rich legacy we got from the previous Government to make a mountain move. The responsibility for the present condition of education in our province lies with those who have been responsible for the Government of this country for the last couple of centuries. Sir, the English Education Act envisages no fees in secondary or elementary schools. It says it is the duty of every parent to send his child to the school; it says it is the duty of Government to give midday meal for all the children; and not only that; if they have no houses to live, they should be provided with houses so that they may lead a decent life. I certainly wish the authors of this Act, who were in charge of our affairs during the last two hundred years, had in their mind the advancement of education in this country when they were here. So, Sir, the charge of neglect of education in this Province cannot be laid at our doors. I shall certainly try to take a lesson from the past history and try how best to improve it. Sir, Sections 22, 36 and 49 of the English Education Act give great powers to Government. They give them power to take possession of any voluntary school for any good educational purpose. It is a bigger power than we have asked. Mr. Suryanarayana Rao asked ‘ why should we take power to run the institution for two years? ’ Sir, I have asked only to run it for one year. The members of the Select Committee suggested to continue it for one more year, if there is any necessity. We have also provided, Sir, that in case there is no suitable body found to take charge of and run the institution then Government should immediately surrender it to the person from whom it was taken. So, Sir, there is no idea of expropriation. Sir, I have seen films of English institutions that are conducted in pursuance of this English Education Act. We hope we would have sufficient opportunities and the good fortune to have at least portions of that Act worked here. Under that Act the Government have to provide school children even with milk and meals.

“ There is provision for delegation of certain powers of the Minister in the English Act. In this Bill also, there is provision for delegation of powers though it may not be to the same extent as in the English Act.

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"It has been deliberately said that the regulations framed under the English Act may be placed before Parliament. So much of power is given to the Minister that the Parliament said that the regulations should be placed before it. I have no objection for placing the regulations or rules before the House because we are not going to frame rules which we are afraid to place before the House.

"Dr. A. Lakshmanaswami Mudaliyar said that in England the property of the Universities was exempt from taxation and added that the property of the Madras University was subject to taxation by the City Corporation. I had no occasion to study the City Municipal Act minutely. But under the Madras Local Boards Act and the District Municipalities Act, all educational institutions are exempt from taxation. Even a private building rented for an educational purpose is free from taxation."

DR. P. S. SRINIVASAN :—"Such buildings are subject to taxation."

* THE HON. SRI K. MADHAVA MENON :—"I was also the Chairman of a Municipal Council for six years. But my knowledge is more than twelve years old."

"I did not really follow Mrs. Hensman's contention. She asked what would become of the endowments. The Government will not take charge of endowments. They will continue to be in charge of the same persons who were managing them before. We will be taking over only the building and apparatus, maps, furniture, etc. She also referred to the question of purchase. There is no question of purchase at all. The Government do not propose to buy anything from anybody."

MRS. MONA HENSMAN :—"Under clause 3 (5) (ii) the Government can transfer the management. It is a purchase and then passing it on."

* THE HON. SRI K. MADHAVA MENON :—"It is not so."

"The Government may permit any other person or body including a local authority to use or deal with such property for any such purpose, subject to the payment of such rent and other sums to the Government as may be specified. When the Government take over a building, they are liable to pay rent. When they entrust it to a local body, that local body also must pay the rent. That is all the provision that has been made."

"About men embracing woman and all that, clause 7 has no relation to what Mrs. Hensman had in her mind. If an officer wants to enter a building wherein there are women not appearing in public according to the customs of the country, he is not allowed to enter the building straightway. He must give reasonable warning and facility for such women to withdraw. That is all the provision."

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“ Mr. Ahmed Ibrahim said that he could not understand the imperative necessity for this Bill. I think I may not be able to satisfy him. All I can say is that the Government intend to take over control of an educational institution only when it becomes imperative and only when they think that they cannot otherwise provide for the education of the students in that institution.

“ Messrs. Bhima Rao and Narayana Menon objected to the proviso to clause 3 (5) (ii) which says that the person or body to whom a property is entrusted shall be of the same religious denomination as that of the person or body from whom that property was taken over. Christian institutions, particularly Catholic institutions, have got a chapel attached to almost every one of their institutions. They resent and perhaps rightly and consider it a sacrilege to hand over the institution to any religious denomination other than their own. The provision has been made deliberately to respect the sentiments of certain people who would otherwise feel wounded.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Madras Educational Institutions (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948), as passed by the Legislative Assembly, be taken into consideration at once ’.”

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 1 and the Preamble were put and carried.

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I move —
‘ that the Bill be passed into law ’.

“ I forgot to mention one thing in my reply. It is true that the definition of the term ‘ educational institution ’ includes college. But I may assure the House that this Bill is not intended for colleges. Our major difficulty is with secondary schools and this Bill is primarily intended to deal with them. The Government contribute much to these schools by way of grants for building, equipment, etc. We are not likely to have any difficulty from colleges, because the number of students in them will be much less than those in high schools. Though the definition includes colleges, I hope that there will be no occasion for taking action against colleges under this Bill.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Madras Educational Institutions (Requisition of Property) Bill, 1948 (L.A. Bill No. 25 of 1948), be passed into law. ’ ”

The motion was carried and the Bill was passed into law.

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(7) THE MADRAS CITY POLICE (AMENDMENT) BILL, 1949
(L.A. BILL NO. 45 OF 1949).

THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
‘ that the Madras City Police (Amendment) Bill, 1949 (L.A. Bill No. 45 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’

“ This Bill provides for making two amendments to the Madras City Police Act, 1888. Section 71-M of that Act penalises the overloading of hand-carts, etc. For committing an offence under that section, any police officer, which expression includes even a constable, is empowered to arrest the person concerned under section 24 (1) of that Act. Complaints about harassment have been received because the power of arrest is given even to a constable. The first amendment confers the power of arrest on police officers not below the rank of Sub-Inspectors.

“ The second amendment seeks to add a new provision to the City Police Act. Under sections 71-H and 71-I of that Act, a salaried Presidency Magistrate is empowered to commit a beggar to a workhouse or, if he is not capable of ordinary manual labour, to a special home for a period not exceeding three years. Many instances have arisen wherein the beggars want to continue in the workhouse or special home. They have no other place to go back to, and they will have to continue begging if they are sent out. The law as it stands at present does not permit the continuance of the detention of such beggars after the expiry of the period of detention specified by the Magistrate. To remedy this defect, the amendment proposes to add a new provision in the Act empowering a salaried Presidency Magistrate, on the application of a person detained, to order the continuance of his detention for a further period not exceeding two years on each occasion, after the Magistrate has satisfied himself that such continuance is desired by the applicant and would be in his interest.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras City Police (Amendment) Bill, 1949 (L.A. Bill No. 45 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’ ”

* SRI R. SURYANARAYANA RAO :—“ Mr. Deputy President, Sir, the amendment conferring the power of arresting persons for the offence of overloading of hand-carts, etc., is very desirable. I am afraid the provision relating to overloading of hand-carts is not implemented rigorously by the Police. One has only to stop at the railway level-crossing gate near the Fort when the electric train is passing to see a large number of overloaded hand-carts proceeding either to the South Indian Railway Goods shed or the harbour. I do not know how the load is tested and whether every police station is provided with a weigh-bridge where the hand-carts could be taken and weighed. As regards bullock carts, I am told that they are taken by the S.P.C.A. officers to some place where

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a weigh-bridge exists, for weighment. Unless provision is made for weighment, I am afraid that the law will either prove a source of harassment even though the power of arrest is conferred on more responsible officers or it will remain a dead letter. I would like the Hon. Minister to tell us what provision is made for testing the load of carts whether drawn by men or bullocks."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot say what exactly is the provision that is made for weighment. But I know that there is no facility for weighment in every police station. Such facility exists only in some stations in Madras City. I have seen only motor cars being taken for weighment. I have not got the information ready, as I did not anticipate this question. I shall get the information supplied to my hon. Friend.

"As it was complained that the harassment was there because even a constable was empowered to arrest, we are putting in more responsible officers."

THE DEPUTY PRESIDENT:—"The question is—

'that the Madras City Police (Amendment) Bill, 1949 (L.A. Bill No. 45 of 1949), as passed by the Legislative Assembly, be taken into consideration.'

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that the Bill passed into law.'"

THE DEPUTY PRESIDENT:—"The question is—

'that the Madras City Police (Amendment) Bill, 1949 (L.A. Bill No. 45 of 1949), be passed into law.'"

The motion was carried and the Bill was passed into law.

(8) THE MADRAS ESTATES LAND (REDUCTION OF RENT) AMENDMENT BILL, 1949 (L.A. BILL NO. 46 OF 1949).

THE HON. SRI H. SITARAMA REDDI:—"Mr. Deputy President, Sir, I move—

'that the Madras Estates Land (Reduction of Rent) Amendment Bill, 1949 (L.A. Bill No. 46 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.'

"Sir, this is an amending Bill to clarify certain doubts that have been raised whether the amount of money payable to the religious or charitable institutions after the rents are reduced under the Rent Reduction Act represents that which is accrued due to the institution during the relevant fasli year or years, or only the amount actually collected by it during that period. The section, as it stands to-day says that the amount payable is what

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is derived from that institution, and that led to certain doubts and the Hindu Religious Endowments Board also wanted a clarification in the matter. That point was again examined and to make the intention of the Government clear, this small amendment has been brought forward. The intention is that all amounts which accrued due to the institution, whether actually collected or not should be taken into consideration in arriving at the amount."

THE DEPUTY PRESIDENT:—"The motion is—

'that the Bill to amend the Madras Estates Land (Reduction of Rent) Act, 1947 (L.A. Bill No. 46 of 1949), as passed by the Legislative Assembly be taken into consideration at once'."

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI H. SITARAMA REDDI:—"Sir, I now move—

'that the Bill be passed into law.' "

THE DEPUTY PRESIDENT:—"The motion is—

'that the Bill to amend the Madras Estates Land (Reduction of Rent) Act, 1947 (L.A. Bill No. 46 of 1949), be passed into law.' "

The motion was carried and the Bill was passed into law.

(9) THE MADRAS ELECTRICITY SUPPLY UNDERTAKINGS (ACQUISITION)
BILL, 1949 (L.A. BILL NO. 32 OF 1949).

* THE HON. SRI M. BHAKTAVATSALAM:—"Mr. Deputy President, Sir, I move—

'that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.'

"This Bill is intended for the speedy nationalisation of all electricity undertakings in this Province. By approaching this honourable House with a request for conferring on the Government the powers specified in this Bill the House should not presume that we are only just beginning to make a start in nationalisation. The process of nationalisation of this industry, commenced two decades ago, when we laid the foundation of the Pykara Hydro-Electric Scheme as a State-enterprise. Encouraged by the early success of that project, we completed in quick time the Mettur and the Papanasam hydro-electric schemes and built up a network or grid of transmission lines in our Southern districts. In the early days of our hydro-electric development, we thought that the retail distribution of the power generated in State power-houses could be left to private enterprise. Every encouragement was given to licensees to expand their business and the control exercised over them by an inspectorate was just nominal. But

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the response from the licensees was not adequate and therefore the State entered the field of retail distribution also. The position today is that the industry is nationalised to the extent of 99 per cent on the side of generation and 70 per cent on the side of distribution. The bulk of the 85 licensees now engaged in this business, do no more than buy the power generated by the Government and distribute it to urban consumers in their areas. A few of them in the Andhra area, have their own power plants, but they are generally in a bad way and their combined out-put is about 1 per cent of the total. The present Bill should be viewed in this perspective and there should be no confusion in the minds of Honourable Members that the Government in their enthusiasm or immaturity, are attempting something for which they are ill-equipped. Even though the licensees had entered the field over a quarter of a century in advance of the Government, what the Government have to acquire from them is only a small fraction of the Government's own effort.

" The Bill has been discussed at very considerable length in the lower House. A Select Committee of that House which included amongst others, the President of the Madras Presidency Electric Licensees' Association, examined the various provisions minutely and I have accepted a good many suggestions of that Committee. I have explained in that House and to the Committee, the objects and reasons of this Bill and my statements had received very considerable publicity, through the kind courtesy of the Madras Press. This House may therefore permit me not to cover the same ground again at length to avoid repetition. I shall content myself with placing before this House certain other aspects of this subject which the House may be interested to know.

" Hon'ble Members will remember that in August 1947, we acquired the City electricity undertaking from the British firm which had operated it for over forty years. Now that the Government are proposing to take over all private electricity undertakings, the House may very well demand from me an account of what the Government have been able to achieve on that undertaking after nationalisation. Conditions of generation and distribution were very unsatisfactory when we took over that undertaking. Development was practically at a stand-still and it was almost impossible to get a new service connexion. A good part of my time in 1946-47 was taken up in interviewing applicants for new service connexion in the City and it was distasteful to me to be compelled to say 'No.' to even the modest requests of influential persons, who hopefully sought interviews. The rush was so great, with over 5,000 applicants in the waiting list, that Government had to set up a high-power committee consisting of the Secretary to Government, Public Works Department, the Chief Engineer (Electricity) and the Chief Electrical Inspector to decide priorities on which the Company should allot the very few service connexions they were in a position to give. The plant and machinery of the generating station were very old and the D.C.

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system of distribution was out of date. There were few days when the current had not failed in one sector or the other in the City. I am not mentioning these facts with the intention of blaming the Company. The Company had ushered in electricity to this Province over 40 years ago and done excellent pioneering work, for which we should be grateful. If the near prospect of the termination of their licence and the stress of the war, had created difficulties for them, it would not be fair on our part to criticise the company. But the fact remained that in August 1947, a City of the size and importance of Madras, had but an indifferent electrical service. For the immediate relief of the City, two 2,500 K.W. transportable sets were installed by us in quick time at a cost of Rs. 32 lakhs. Twenty-seven distribution transformer stations were added on to the 54 taken over from the company. Thirty-three miles of high tension and 56 miles of low tension lines were newly laid. The peak load of the power house was raised from 19,600 to 25,400 K.Ws. registering an increase of 30 per cent. Service connections increased from 21,526 to 27,691 or by 28 per cent. Rural service in the neighbourhood of the City was taken up for the first time and 63 agricultural pumps aggregating to 300 h.p. have been connected up. The number of units consumed in the City rose from 68 millions per year to about 90 millions. Works are well in progress for the installation of new plant for 15,000 K.Ws. at Basin Bridge at an estimated ultimate cost of Rs. 6 crores which will come into fruition in 1952 and solve the power problem of Madras for a decade or more. In the meanwhile, the out-moded D.C. equipment is gradually being replaced by modern A.C. equipment, and about 400 services have already been changed over. The work of interconnecting the Mettur Hydro-Electric Power House with Madras through a 110 K.V. transmission line is nearing completion and it may be possible in future to save coal in the Madras Power-House during the irrigation season in Mettur. Complaints have been made in certain quarters that we have been increasing the staff of the system indiscriminately. It is no doubt true that we have employed additional staff, but this addition was necessary for the expansion of the power plant and new services. Our critics do not seem to realise that the European officers who were running the concern, had left and their places had to be filled by new men. A good deal of consulting and purchase work was being done for the company in London by their headquarters staff and that work too is now being done locally. The main consideration in judging us on this question, should be, whether we have been able to run the concern during the last two years as a successful commercial proposition. I can assure the House that we are securing a reasonable return on our capital, after providing for depreciation at rates ranging as high as 8-1/3 per cent which was considered necessary, in view of the dilapidated conditions of much of the plant which will have to be replaced quick. I do not wish to tire the House by what may be construed as blowing one's own trumpet, but I do want the House to

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appreciate that we have substantial achievements to our credit during the past two years. A large part of our effort, as for example the plant-extensions, have not yet begun to bear fruit, but by 1952 we hope to present a tidy picture. Only by convincing the House of our credentials in this respect, can I legitimately demand from the House further powers for completing the process of nationalisation in quick time?

“ The House may very well query why it is now necessary to arm the Government with further powers, if we had been able to take over the big concern of the Madras Electric Supply Corporation under the existing law. All the licences now in force in this Province were issued under the Indian Electricity Act of 1910. Under that Act a licence in force can be terminated only at the end of the period of the licence which is normally 20 years or more. The period of the licence for the Madras Electric Supply Corporation was 42 years from 1905. That would mean that if we are content to operate on the existing law, the process of nationalisation can be completed not by us, but only by our children. Again, under Section 7 of that Act, the licensee, on the termination of his licence, is entitled to ‘ Fair Market Value ’. This expression is difficult to define in relation to an undertaking dealing with a public utility. So far, there has been no occasion in this country for a Court of Law to give a precise definition to this expression. The framers of the Indian Electricity Act do not appear to have visualised in 1910, the extravagant claims that were likely to be put forth under cover of this expression, because they had not anticipated the enormous increase in the prices of electrical materials as a result of the two World-Wars. The licensee seems to argue that ‘ Fair Market Value ’ of an undertaking is the sum total of the value of each item used in building up the undertaking plus the cost of erection at current market rates as distinct from the actual rates which obtained at the time of erection. But there is a catch in this line of reasoning. The undertaking was built up on a licence granted by the Government. The rights conferred by the licence did not amount to an outright and unconditional grant. The licensee had not been given the discretion to sell his undertaking as he pleased, to the highest bidder. The undertaking was dedicated to the service of the public and had therefore no market value, because it could not be disposed of by the owner. Because a transformer fetched an attractive price now, it was not open to the licensee to dismember a transformer from his undertaking and sell it off to a third party. How then can anybody assess the worth of that transformer or the other components of that undertaking to the licensees? And yet, the Madras Electric Supply Corporation has demanded compensation from us on that basis to the extent of about Rs. 240 lakhs. Most of the plant of the Madras Electric Supply Corporation was purchased and installed several years ago at a cost which may not amount to a third of the present demand. The labour charges for erection

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at that time would have been trivial and yet compensation is being claimed at current cost of erection. The D.C. distributing system is now being replaced by us, and yet we are asked to pay compensation at current market rates for the components which make up that out-moded system. A good many pieces of equipment are obsolescent and should be replaced at once and yet they have a current market value which is being claimed. We do not have an acceptable depreciation table with which deductions could be made for obsolescence. Hon'ble Members are aware that when a service connection is given, the licensee collects from the house-owner the capital cost of the connection from the licensee's mains to the house. But the service connection continues to be in custody of the licensee for the purpose of maintenance. The House will be astonished to hear that the Madras Electric Supply Corporation has asked for compensation from the Government even for these service connections which the house-owner and not the Company, had paid for. I am not insinuating that the Company's demand was *prima facie* illegal or absurd. The Indian Electricity Act, as it stands, lends colour to such claims and we cannot accuse a business firm for making what they consider to be legal claims. We are compelled to thrash out these issues before an arbitrator, because the law is imperfect, but in respect of this concern, we have no option except to abide by whatever interpretations which the arbitrator may give to the relevant provisions of that law. The same difficulty is being felt by the United Provinces Government who recently took over the Cawnpore Electricity concern and the matter is pending before an arbitrator. Therefore, it is a matter of common prudence that we should safeguard ourselves against the inequitous operation of the out-of-date provisions of a law and that is the purpose of the present Bill.

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p.m.

"The true value of an undertaking should be reflected by the value of its shares as quoted in the stock-exchange, because that is the value which the prudent investor sets on the assets. This was the basis of compensation adopted in the British Nationalisation Act, by which the present Labour Government of Britain nationalized their undertakings. If we had the option of adopting this basis, we would not have had to meet the extravagant, though perhaps legal, demands now being made on us by the Madras Electric Supply Corporation. One of the three methods of compensation provided for in this Bill is this one whereby the compensation amount is determined by the value of shares quoted in the stock-exchange or in the absence of such open quotations, as noted in genuine private transactions. It had been pointed out to the Government that this basis, however justifiable in abstract theory, cannot be applied in practice to all cases, because share-markets in this country are generally tardy, especially in this industry of small proprietors. We have therefore provided two other alternative bases. The first one is based on the capitalization by 20 years of the average net profit of the

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concern over the last five years preceding the vesting date. The other one is based on the actual value of assets as shown in the books of the undertakings less depreciation calculated on a specified schedule plus a solatium ranging up to 20 per cent. The licensee is given the option of choosing any one of the three bases so that if he is a loser by the operation of any one of the bases, he can opt for another. On a rough computation on these three bases, it has been found that an average share-holder in these concerns gets a compensation of about Rs. 17 to Rs. 20 on a paid-up share of Rs. 10. The Lower House was emphatic that the Government have been fair, if not generous, with licencees.

"In respect of local boards which had built up their concerns with capital advances made by the Government, the Bill provides for the writing off of all such outstandings on compulsory acquisition. Capital expenditure incurred from the general revenues of local boards will also be compensated for the extent necessary. In order to assist local boards to balance their budgets till they tap new sources of revenue, they will be paid a sum equal to five years' net profits.

"The Bill provides for the compulsory termination of contracts of managing agents with these undertakings. The Select Committee of the Lower House thought that a little more consideration was due to them for their services in the past and on the recommendation of that Committee, the Lower House agreed that managing agents should be given compensation to the extent of their remuneration over a period of two years or for the balance of period of the agreement, whichever was less. The managing agents appear to be satisfied with this provision and I hope this will commend itself to this House also. A Special Officer has been provided for, for the liquidation of the concerns after the Government had taken over the assets and the orders of this Special Officer will be subject to an appeal to the High Court.

"The Hon'ble Leader of the Opposition had drawn by my attention separately to the necessity for providing adequate safeguards for the large army of employees of these undertakings. I shall repeat what I had stated in the Lower House. It is very definitely the intention of the Government to absorb the large bulk of the staff and only the undesirable elements will be sought to be eliminated. These employees have before them the good example we have already set in respect of the absorption in Government service of the staff of the Madras Electric Supply Corporation. I hope the Hon'ble Leader of the Opposition is satisfied with the assurances I had already given and will therefore extend his wholehearted support to this Bill.

"In the matter of electrical development, this House need have no apprehensions about the good faith of the Government and their ability to translate their intentions into action. We have brought forward this measure with the sole object of making this vital amenity reach as many villages as possible. As soon as the present Government took over, they gave a new orientation

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to the electricity policy of the Government. Rural loads may not pay a rich dividend compared with urban and industrial loads. But our country has no salvation unless we can persuade our villagers to stick to their villages and till their soil and this we can do only if we endeavour to make life in villages less drab and precarious. Even at the risk of reducing our profits, we must extend electricity to villages and if necessary, with a subsidy from the Exchequer. Electricity reached 101 villages in 1946-47, 146 villages in 1947-48 and 194 villages in 1948-49. One thousand two hundred and twenty-three pump sets have been connected up in 1946-47, 1,793 in 1947-48 and 2,288 in 1948-49. Electricity is now available in 1,500 villages to operate about 12,500 pump sets and we are at present endeavouring to see that about 3,000 pump sets are newly installed in each year. This is not altogether a mean achievement as the House may note in this respect.

“ I may be pardoned if I take up the time of the House in explaining in just bare outlines, our plans for the future. In order to carry out our rural electrification schemes on an appreciable scale, new sources of power will have to be tapped. For this purpose, we have already launched a five-year plan of development costing about Rs. 25 crores. This programme consists of the Machkund Hydro-Electric Scheme in Visakhapatnam capable of generating 100,000 K.Ws. for use in the Andhra districts, the Moyar Hydro-Electric Scheme, extensions to the Pykara and Papanasam Hydro-Electric Schemes, New Thermal Stations at Mathurai, Nellore, Kurnool and Cuddapah and extensions to the thermal plants of the Madras and Andhra Systems. Works on all these schemes are well in progress and new transmission lines are also being laid down side by side to transmit the additional power to interior areas. This programme is expected to come into fruition from 1951 onwards; and will double up our power generation by 1953. There have been unavoidable delays in the delivery of plant and materials; but on the whole the programme is keeping satisfactorily to the schedule. Under our existing shortages, an electricity scheme takes at least five years for fruition from the date of inception. We have therefore, to plan ahead even now for the quinquennium following the present five-year plan. Investigation is now proceeding and is about to be finalized on a scheme in the Kundah Valley on the Nilgiri plateau which is capable of generating 100,000 K.Ws. We have conducted negotiations with Travancore-Cochin Union for the development of power from the Periyar waters in Mathurai district and an agreement is in sight whereby we hope to develop about 40,000 K.Ws. of power. The Tungabhadra Project now under execution will give us an equal quantity of power for use in the Ceded Districts. We have also negotiated an agreement with Mysore on the Mekadatu Falls on the Cauvery, whereby Mysore will release us a substantial block of power for use in South Kanara and the Salem country. Plans are thus getting ready for the development of another 200,000 K.Ws. of power, for rural electrification in the quinquennium to follow.

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"In the Lower House I had the satisfaction of witnessing the unanimous acceptance of the various provisions of the Bill without even a single amendment being moved. Even the licensees' representative who saw the compulsory termination of his business, accepted the compromises evolved by the Select Committee in his favour and withdrew all his objections. I have therefore reason to hope that this Bill will commend itself to this House also to the same extent as to the Assembly."

THE DEPUTY PRESIDENT :—"The motion is—

'that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949), as passed by the Legislative Assembly, be taken into consideration at once'."

* SRI R. SURYANARAYANA RAO :—"Mr. Deputy President, Sir, after the lucid exposition of the Hon. Minister for Public Works, he is perhaps entitled to expect that his Bill should be passed without much discussion. But, Sir, the Bill that is introduced is a very important measure. As the Hon. Minister himself said, it is hoped that by passing this measure, the Government will be free to undertake large schemes of development. Any of us who speak on this measure do so not because we are opposed to the principle underlying the Bill, but we feel that we have to utter a note of warning. As far as nationalization is concerned, personally I am not against it on principle. But I would like the Government to pause and examine how far their responsibilities for the undertakings they have nationalized have been discharged satisfactorily. Sir, Governments might have changed and the representatives of the people may be sitting in the Treasury Benches. But I cannot help feeling that the old characteristics of bureaucracy still cling, and they cling in a manner which even those who believe in the virtues of bureaucracy cannot but regret. We have yet not given up the ante-diluvian methods associated with bureaucracy. My hon. Friend, the Minister for Public Works, gave a catalogue of achievements of the Madras Electricity system. But may I, as a humble consumer, bring it to his notice that while I recognize that there have been so many new house connexions and so much of development of electricity for the purpose of using pump sets and all that, there is no punctuality in attending to complaints and the issue of bills. The bill for the past month is generally received after the 15th or the 20th of the subsequent month, whereas, when the Madras Electric Supply Corporation was working, we used to receive the bills, just as we now receive bills from the Telephone Company, before the 5th of the subsequent month. I have brought this personally to the notice of the officers concerned, but as yet I see no improvement. The bill says that the amount must be paid within a particular date, while the interval between date of receipt of the bill and the date of payment is greatly narrowed down. It is very difficult for the humble consumers to keep up to this time or otherwise face the threat of disconnexion. We would like the officers to be more punctual in issuing bills and also more punctual in attending to complaints."

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This Madras Electricity System gives an opportunity to learn lessons which will stand them in good stead when they take over other electricity undertakings. When we point out even small things as late issue of bills, it should not be taken to mean that we are doing it in a fault finding spirit. We want our system to be as effective as possible so that our system shall not be compared unfavourably with the Corporation from which we have taken over.

“ Then, Sir, before we take over any undertaking, I would like the Government to make all managerial and financial arrangements. The Government must satisfy themselves that the arrangements are so perfect that they can do better than the existing licensees. On a comparison of the performance of the Madras Electricity System with that of the Madras Electricity Supply Corporation, so far as humble consumers are concerned, I cannot say that the arrangements on the managerial side were so complete. It all depends upon a good deal of forethought. A good deal of forethought is necessary before we decide to take over the management of an undertaking. Government are no business concern but they are entering into this trade. What is good for Government and what arrangements are possible in running the Government are not always suitable to run business concerns. Running business concerns requires a great deal of forethought and all qualities that may not be called for in running an administration. That is the only point which I would like to stress and I would beg of the Government, while taking over the electric undertakings, to make all arrangements and not say that they have not got sufficient Electrical Assistant Engineers, foremen, etc. Once you take over, do it only after making sure that the personnel required is there. I emphasize it because there is a dearth of technical personnel now. The Government must from now, after this Bill has been passed, make preparations to see that the necessary personnel is made available for taking over these undertakings. There should be a plan for training technical personnel to be absorbed later in running these undertakings. I have given notice of some amendments and I shall deal with them later. Whether they are acceptable or not, I have some points of view to mention and I do not propose to deal with the clauses except to say that while I am not at all against nationalization in principle, let not Government be hasty in taking over undertakings without fully satisfying themselves that they have made complete arrangements both on the managerial side and financial side, to run the undertakings more efficiently than the existing licensees.”

3-20
p.m.

* SRI B. BHIMA RAO :—“ Sir, I am very glad that our Government has undertaken this measure and is nationalizing all electrical undertakings in this Province. Sir, the town of Bellary which I represent was the first municipality, excepting of course the premier City of Madras and the hill station of Ootacamund, to take up electricity and that was in December 1924, exactly a quarter of a century ago. Now what is the position that we find? The machinery that we then took has now deteriorated and what all

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we spent is also equally useless. The result was for about 7 or 8 months excepting for three hours in the night from about 6 to 9 p.m., there was no public lighting at all in the whole of the town of Bellary. Even now we are put to this inconvenience. One day we get lighting from 6 p.m. to 8 p.m. and from 8 p.m. to 10 p.m. there is no lighting and again from 10 p.m. onwards we have lighting. Every alternate day we have to be groping in the dark between 8 p.m. and 10 p.m. That is the position now in the town of Bellary. Unfortunately the area in which we live was the first to take up electricity from the municipality about 25 years ago. My area took up 600 house connexions whereas afterwards the rest of the area could take only 300 or 400 house connexions and it could not develop further. That is the result now and it has become necessary that this old machinery should be replaced. I am glad to see that we are getting electricity from the Jog Falls in Mysore State; the wiring is also complete and the only difficulty is this. Till now we were getting direct current (D.C.). Now we are getting alternating current (A.C.). So, new fans and new meters have to be set up and in the case of the higher middle classes they can very easily pay the cost of these meters which in the municipality of Bellary now cost Rs. 60 each. I do not know what the price in Madras is. But we have to give electricity for the lower middle classes also. It is very difficult for them to purchase meters at their own cost. Till now the system was for the municipality to fit up the meter and charge us a nominal rent of 8 annas which has now been increased to one rupee. They can very easily pay that amount, but if they insist upon the poor middle class people to purchase meters and put them up for their houses, it will be very difficult. My house is No. 2, Goldsmith street, in the town of Bellary at present. For houses Nos. 1 and 3, the owner is a lady who has got limited means. She is unable to purchase meters and put them up. The difficulty now arises—they are prepared to give us A.C. but the lady is unable to purchase meters. On account of that inconvenience, people are unable to get the A.C. connexion. If we get the A.C. connexion we can have light throughout the night. That is the difficulty and I hope the Government will be able to purchase the necessary meters and fit them up at least in the case of poorer middle class people, if not in the case of higher middle class people, or richer class of people; they can use their discretion.

“ After the Government take over the concerns, let them be as energetic as it was in the case of private ownership, like the M.E.S.C. which the Government have taken over. I wrote one or two communications to the Hon. Minister which were not acknowledged; obviously he was very busy. The electric current bills for July and August were received only some three days ago. Previously our people used to get them by about the 15th or so of the ensuing month. Now we get the bills for July and August in December. After you nationalize this undertaking and take over the electricity concern from the municipality of Bellary, if you issue bills in January for all the arrears up-to-date, how

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can the poor people easily collect the amount and pay it up in time? Now there is some slackness and unbusinesslike methods are followed in the municipality. The municipality think that while the Government are taking over, why should they the municipality be energetic. There is also no other concern to look after this now. That is what is happening and in case of any irregularity, for instance, if the connexion is cut off, it cannot be restored; we have to apply to the local Government for its restoration. After the Government take it over, I request the Minister to ask the officers to be sympathetic and not to cut off connexions in this harsh manner and then require them to go over here and ask for fresh connexions being given. So, I am also of the same opinion as my Friend, Mr. Suryanarayana Rao, regarding officers. Let them also be energetic; let them attend to the calls of the poor people. When I say that the electric current has failed to-day, there is nobody to answer my request. We are not able to know when it will be restored. In these days we do not get adequate quantity of kerosene. Previously in the town of Bellary I used to get six bottles of kerosene oil but now it has been reduced to three bottles. When such is the position of people like me, how could the poor people get on in the town of Bellary? These are the difficulties of the poor people in the premier town of Bellary and I request the Hon. Minister to ask the municipal authorities to be more sympathetic in the matter of electric connexions."

SRI P. VEERABHADRASWAMI :—" Mr. Deputy President, Sir, a number of private companies and local bodies are not able to supply electricity for various reasons. Some of them are not able to command sufficient financial resources and some others are not able to get proper equipment and in some cases it is due to mismanagement. The demand for electric energy is increasing day by day. For purposes of lighting and for industrial and agricultural purposes, the demand for electricity is on the increase. These private bodies and local bodies have not been able to increase their output and have been consistently refusing new house service connexions or supply for industrial purposes. I know that a company in my district has not been able to give even one new house connexion during the last three years and I had to lead a deputation to the Hon. Minister some time back requesting the Government to take over the company. It is to set right matters, to increase the output and to supply energy of a larger quantity to the people that the present Bill is before the House and I welcome it and wish it a smooth passage. It will greatly help to enhance the revenues of our Province when we require more and more money for our nation-building activities. At a time when our resources are dwindling due to the introduction of prohibition and other beneficial schemes, it is but right that we should take over such concerns and make profit and have more revenue for our purposes.

" Sir, the terms of compensation provided in the Bill are liberal and no complaint can be made against them. But the existing companies are now maintaining a large number of

[Sri P. Veerabhadraswami] [22nd December 1949]

employees and the Hon. Minister has been pleased to state already that most of these employees will not be disturbed and so there can be no complaint against the Government on this score. The depreciation rates provided in the Bill are also reasonable and there can be no complaint against them. I wholeheartedly support this Bill."

3-45
p.m.

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, generally I am one of those who are very sceptic about nationalization by the Government. But in this particular respect, I must say that this scheme of nationalization of electric supply to the Province is the right thing. I do support this for two reasons. In regard to the Hydro-Electric Schemes in this country, I would like to point out that they could not be run by private effort, although in other countries like the United States of America, it is wonderful to see large Hydro-Electric schemes being run entirely by private enterprise with the greatest amount of efficiency. Also, the need for quick and efficient electric supply to the villages, both for agricultural purposes as well as for industrial development needs no emphasizing. I therefore feel that the only possible method of getting quick and efficient supply of electricity even to the remotest villages and to help in the Grow More Food Campaign by giving electricity to the agriculturists will be by the Government coming to the help of the agriculturists by taking over this scheme. I must say that the Hon. Minister has been very energetic. I know that he has gone to the different parts of the country—Mysore, Travancore, etc., to find out how far electric supply from these States can be utilized, by paying a reasonable charge, for areas which are on the border line. I therefore welcome this move to take over completely the scheme of electric supply, whether you call it nationalization or not.

" But, there are some points which have to be borne in mind in regard to this scheme of nationalization. Mr. Bhima Rao has referred to one of the difficulties experienced by most of the consumers. I believe it is so in many places. It is so in Madras. Unfortunately, in the same City there are two methods of supply of electricity, one by the direct current system and the other by the alternating current system. I understand that it is the aim of the Government that all house connexions as well as industrial connexions must be converted into alternating currents which is the right method of supply. In so doing it must be taken into account that it will lead to heavy expenditure on the part of everybody, rich and poor alike, through the conversion of direct current into alternating current. Many of the electrical equipments which we are now provided with for direct current will have to be scrapped, if the alternating current supply is brought in. I wish that this aspect of the question would be looked into with sympathy by the Government and that they will pass some order so that the burden will not fall too heavily on the consumers by the change-over of direct current into alternating current and that the system will go through as quickly as possible.

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"Sir, there is another point about which I feel I must raise a warning note. In all Government undertakings, there is a general tendency for increasing the overhead charges. If this increase in overhead charges is not to be controlled on the basis of any expert advice or otherwise, then the person who will ultimately have to incur these charges will be the consumer. It is not fair that while these charges were possibly avoidable if it were a business undertaking, the Government should increase them in such a way that the consumer will be adversely affected.

"Moreover, in a business organization, there are ways and means of getting the maximum amount of work out of the employees. There is provision by the Government to see that a business organization does not treat its employees badly in any way. But, in Government, whatever may be the interest and whatever may be the enthusiasm of the Minister concerned, whether it be nationalization of electric supply or nationalization of transport, that interest and enthusiasm do not generally gravitate downwards to any appreciable extent with the result that those who are immediately in charge of these undertakings have no conception whatsoever of running them on businesslike or economic lines much to the detriment of the interests of the consumer. Then I would like to suggest that all schemes which the Government undertake on the basis of nationalization must be treated as business concerns and there must be a report to the Legislature on the working of these concerns in a graphic manner including all the details of assets as well as liabilities of income as well as expenditure and a statement should be furnished just as for instance a business concern would furnish a statement to the Board of Directors dealing with the business. It must not be presumed that because the Government has undertaken a scheme it would be working in a satisfactory manner. The Board of Directors in this instance is the Legislature. I feel that it is necessary that the Government should give a statement like this, what the business has actually yielded during the year, and the depreciation should be worked out. There should be a sinking fund. There should be a method of calculating what exactly is the profit or loss. It may be loss sometimes and it may be profit sometimes. I am anxious that the Government should place all the facts including profit and loss. Also, I would suggest that the Government should take into consideration, just like any other business concern what they would have to pay as income-tax, super-tax, surcharge and various other things. It will not do for the Government to say that this has been the profit without taking into consideration these liabilities that will ordinarily fall on a business enterprise. One can correctly determine the profit or loss of any concern only if the whole thing is treated as a business concern including the cost with regard to the overhead charges and including those liabilities that any business concern must necessarily pay.

"Mr. Bhima Rao and others have referred to the need for greater amount of sympathetic attention being given when complaints are made in regard to failure of electric supply and delay in the submission of bills, etc. That involves the creation

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of an Inspectorate which ought to function very efficiently and which must be in a position from time to time to determine whether the scheme is working well and to attend to the various complaints and other things.

"I entirely agree with Sri Suryanarayana Rao that if the scheme is to work successfully there should be immediate attention on the part of the Government to create a machinery of experts in various fields from the lowest to the highest so that they may be readily available for any technical and other advice that may be necessary in the working of this scheme.

"I would lastly advise that there should be an Advisory Committee consisting of certain experts and others who will be interested in this matter to look into the working of the scheme from time to time and tender such advice as may be found necessary for the Government to consider. Sir, although I feel that this scheme will work excellently, because a particular Minister is keenly interested in it, one cannot be quite sure that this scheme will continue to work excellently and will receive the same attention from his successor, should there be any necessity for a successor.

"I hope that if these suggestions and points are borne in mind, it will be possible for us to say in course of time that this move for nationalization of electricity that we are now taking has been a success not merely from the point of view of business, but also from the point of view of the consumer and in the best interests of the country as a whole."

SRI M. NARAYANA MENON :—"Mr. Deputy President, Sir, I must congratulate the Government most warmly. I may say that I am doing it not without any selfishness. I feel that if the rest of the country is well satisfied with electricity, my district will also get a little bit of it. In Malabar, if we get as much electric current as possible we could solve all our food problem. We have no irrigation facilities. Of course something has been done. I trust the Hon. Minister will help us in getting our irrigation schemes duly executed. I am sure he is earnest. If there is plenty of electricity, then why should we not get it? That is my desire. That is why I said that I am not un-selfish in this matter of congratulating the Government.

"As told by Sri Suryanarayana Rao and others, it is not sufficient that a five-year plan or a ten-year plan is prepared. It must be cleverly and efficiently worked out. The Government must have enough money for that. I would point out that even private capital may be invited by the Government for this purpose and even a small dividend may be allowed to those who give money.

"Then there is the question of personnel. We must have a fully trained personnel. In most of our schemes, I have been told that there is no adequate personnel. How can you get these personnel unless we have enough Engineering Colleges, technical

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Colleges and technical institutions where these people can be trained and equipped. Therefore, the moment the Bill is passed, it must be the duty of the Minister to see that sufficient technical personnel are trained up for the purpose of working up this scheme efficiently. Otherwise, we have to wait and complain and complain and wait. That will be the result.

"Then I have to mention one other thing. For the working of the scheme properly, you should have enough material. For instance, we have been told several times here by the Hon. Minister and others that we have no transformers. Transformers are expected from Switzerland, America or Britain. Similarly, Mr. Bhima Rao has been telling that we have no meters. Therefore people are asked to purchase these. How can ordinary people purchase these meters? They are not available, even in black-market. So, these meters must be manufactured in this country itself. As a matter of fact, all the electrical appliances, including cooking apparatus, can be conveniently manufactured here. So it is better if even now a company is floated under the supervision of the Government for the manufacture of these electrical appliances, wires, bulbs, meters, motors, switches and other things that are required for irrigation and industrial development. I am sure the Bill is a very good one and is well worded. Nothing can be said against it. But, what about the future? The trouble commences only after the passing of this Bill. Therefore I request the Minister to take steps even now for remedying all these drawbacks.

"There is one other matter about which I would like to say a few words. As stated by Dr. Lakshmanaswami Mudaliyar. I suggest that an Advisory Board may be formed for the efficient management of the business. It is very important. I would even suggest that another kind of Advisory Board is required. This Board should consist of one or two representatives from each district who will be fault-finders. Sometimes, these fault-finders also happen to be the fact-finders. These people may tell the Government what they should do and point out to them the various defects in the actual working of this scheme and suggest remedies. Such an Advisory Board from the consumers' point of view is absolutely necessary for the Government to form when electricity is taken up by the Government.

"I am really against nationalization, but not in all matters. In some matters, I am against nationalization. In the matter of supplying water and electricity, I am for nationalization, because, that alone will succeed. It is only the Government who have got the power, money, technicians and everything under their control who can manage this scheme. Therefore, nationalization with regard to water-supply and electric supply will surely succeed. I once again congratulate the Government for having introduced this Bill and for having undertaken to supply electricity themselves to the Province."

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4 p.m. **SRI N. VENKATACHALAMAJI** :—“ అధ్యక్ష, electricity ని ఉత్పత్తి చేసేటటువంటి private సంస్థలన్నింటిని గవర్నమెంటువారు స్వాధీనము చేసుకొని సక్రమంగా వాటిని నిర్వహించాలనే భుద్దేశముతో ఈ బిల్లును తీసుకొని వచ్చినారు. గాన బిల్లును సమర్పిస్తూ మాటలాడుచున్నాను.

“ మా విశాఖపట్నం జిల్లాలో విజయనగరం పట్నములో గవర్నమెంటువారు Electricity corporation ను దాదాపు పది సంవత్సరములనుండి నడుపుచున్నారు. ఈ పది సంవత్సరములలోను Government వారు public అవసరములను విమూలము సరిగా తీర్చలేకపోయినారు. స్ట్రీటు లైట్స్ చాలనందున వాటిని ఎక్కువచేయమని ప్రజలు చెప్పుకొనినను, అధికారులు తగినంత శ్రద్ధ తీసుకోవడంలేదు. గత ఆనేక సంవత్సరాలలో fuse అయిపోయిన bulb లను replace చేయడం లేదు. Replace చేయుటకు అవకాశము లేదని screw bulbs దొరకడం లేదని, ఫుండేవి చాలని, ఎక్కువ అవసరము లేదని public కు సమాధానాలు ఇస్తున్నారు. Street లలోని bulb లే గవర్నమెంటు replace చేయజాలనప్పుడు తక్కిన bulb ల విషయం విలాగుంటుందో మీరే గ్రహించుకోవాలి.

“ ఇంకొక విషయమేమనగా ప్రజలయొక్క అవసరములనే తీర్చలేనప్పుడు, Buckingham and Carnatic Mills మొదలైన factories కు కావలసినన్ని units electricity ని ఇస్తున్నారు. ప్రజలయొక్క అవసరాలకు చాలనటువంటి సందర్భములో ఈ factories కు ఇవ్వవలసిన అవసరమేమీ నాకు అర్థంకావటం లేదు. ప్రజలకు సరిగా supply చేసిన తరువాతనే factories కు ఇవ్వవలెనగాని ప్రజలకు తక్కువగా ఫుంటే factories కు ఇవ్వకూడదు.

“ ఇంక, house service connection విషయములో కూడా చాలా లోపాలున్నాయి. ప్రతి connection కు రెండు fuse లు ఫుంటాయి. వాటిలో ఒకటి private fuse రెండవది Government fuse. వీటిలో ఏ ఒకటి పోయినప్పటికీ electricity supply జరగదు. Fuse అయినప్పుడు అధికారులకు phone లో తెలియజేసిన మూడు, నాలుగు గంటలకుగాని ఎవరైన వచ్చి ఏమి జరిగినది చూచి విచారించరు. తరువాత వచ్చి కూడ ఒకవేళ private fuse పోయిఫుంటే, ఇది బాగలేదని, వేరొకటి వేసుకోవలసిందని చెప్పిపోతారు. మరల తిరిగిచూడరు. ఒకవేళ, Government fuse పోయిఫుంటే, ఇప్పుడు అవకాశము లేదని, రేపొసూసో వస్తామని సమాధానము చెప్పిపోతూఫుంటారేగాని కావలసిన పని సరిగా వెంటనే చేయడం లేదు. గొప్పవారైతే మరల వ్రాతమూలకముగా వాసుకొని పనులు సాధించుకొంటారుగాని సామాన్య ప్రజలకు సాధ్యముగాకుండా వున్నది. ఆమాత్రము ఈమాత్రము సంసారులయొక్క కష్టనష్టాలను ఈ ఉద్యోగస్తులు విమాత్రము గమనించకుండా వున్నారు. కనుక ప్రజలకు ఇటువంటి ఇబ్బందులు కలుగజేయకుండా చూడవలసిందని వారి ఉద్యోగస్తులకు order లు పంపవలసినదని ప్రభుత్వమువారికి నేను మనవిచేస్తున్నాను.”

* **THE HON. SRI M. BHAKTAVATSALAM** :—“ Mr. Deputy President, Sir, I am obliged to the hon. Members for the general support they have given to this Bill. I am also thankful to the hon. Member, Mr. Suryanarayana Rao and others for the warning that they have given to the Government on the eve of taking over these concerns. Mr. Suryanarayana Rao suggested that we should be more punctual in taking over and that we should pay

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more attention than what had been paid so far. He also complained that even regarding the Madras Electricity System we had not been punctual and that all the attention that was required was not bestowed. Sir, it is easy to find fault for comparative deficiency, and it is easier to point out defects here and there. But all the same, I maintain that on the whole the management of the Madras Electricity System, ever since it was taken over by the Government, has been as efficient as it should be; and as I have already explained to the House, we have expanded in the matter of distribution of power. Of course, the consumers may have their own difficulties. Whenever complaints about their difficulties are brought to the notice of the Government, we shall certainly look into them and try to remedy the defects. The hon. Member from Vizianagram referred to certain difficulties experienced by people there in the matter of supply of power. If the hon. Member had only drawn my attention specifically to these complaints earlier, it would have been possible for me to look into them. But I must point out that the Government also have their own difficulties. They are not able to get the necessary materials required. Sir, this Bill should not be construed as a hasty piece of legislation, as was remarked by the hon. Mr. Suryanarayana Rao and the hon. Member from Bellary. Several of the private concerns have failed and in some cases there has been a virtual break-down of the system. In Ongole, for instance, for more than a year or so, there has been no street lighting. In Bellary, where the municipality was undertaking this work, the system has failed and the municipality has found it impossible to set it right again. Again, in Rajahmundry the private undertaking has failed, and there was the danger of the water-supply breaking down. We had the same trouble in Cuddapah also where we had to negotiate with the licensees, the representatives of the firm, and they agreed to abide by the terms of the new legislation. We have just taken over the undertaking there and started work in order to avoid a further break-down of water-supply. So these are the factors that necessitated the bringing in of this legislation. The Government are certainly endeavouring to make the working of the system in Madras more efficient than what it is. The hon. Member from Bellary also referred to certain difficulties in the working of the generation and distribution system. Sir, the Bellary Municipality itself wanted us to take over the system and it is in the process of being handed over to us. If we, ourselves have difficulties, the private licensees and municipalities have still greater difficulties. Therefore, there is the necessity of the Government stepping in. Sir, I am really sorry that the communication referred to by the hon. Member from Bellary has not been acknowledged by the Government. The communication must have been duly forwarded to the municipality and I do not know how it has not been replied to by the Government. But I do not believe in merely acknowledging receipt. The municipality, which must have been asked to look into the complaint, perhaps has not been able to afford necessary relief. Any way that will be looked into. I am particularly obliged to the hon. Member, Dr. Lakshmanaswami

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Mudaliyar, for the general support that he has given to this Bill and for certain valuable suggestions that he has made. Regarding the question of change-over from the direct current to the alternating current, I do appreciate the point that it will be a great burden on the consumer if the entire cost is to be borne by him. I can assure the hon. Member that the Government would sympathetically consider the question and we shall also see that the change-over takes place as quickly as possible. He has also referred to the question of increase in over-head charges. My hon. Friend, Mr. Suryanarayana Rao also referred to this while speaking on the working of the Madras Electricity System. I may at once tell them, Sir, that there has not been any undue, unwarranted, increase in the charges pertaining to management. We have expanded and correspondingly the expenditure has gone up. It has not gone up, beyond what the expansion would justify. However, I appreciate the point that the system should be managed in a business-like and economic manner. The Government, in fact, have been doing their best to run the system in a business-like and efficient manner. The Government would also consider the suggestion put forth by my hon. Friend, Dr. Lakshmanaswami Mudaliyar that periodical reports of the working of these concerns may be placed before the Legislature. Regarding the formation of Advisory Committees suggested by the hon. Member, I may tell the House that there is a provision in the Electricity Supply Act of 1948 passed by the Central Legislature for the formation of Provincial Electricity Boards. Government are considering the question of forming such Boards in accordance with this provision. Reference was also made to the need for sympathetic attention on the part of the staff employed. I may assure the House again that the Government will do everything possible to make the staff feel that they should carefully and quickly attend to the needs and grievances of the public. My hon. Friend warned me that unless necessary arrangements were made, we should not take over any private concerns. I may state that when we took over the Madras system, we took the entire staff with us and this policy will apply to every undertaking that may come under Government control. So, there will not be any inconvenience caused to the public for want of technical or non-technical men. The staff that was attending to the needs of the public under the private management, would continue to be there under us also. But this is not all that we want to do. We cannot be satisfied with merely taking over and managing the concerns as they are. We have to expand and we shall certainly do our best to secure necessary men and materials to expand our activities to the extent possible. Finally, I would like to tell the House that this legislation has been brought in not in pursuance of a general policy of nationalizing every industry, it is not even in pursuance of a policy of nationalizing all public utility concerns. Sir, we wanted to take over the generation and distribution of all power that is available in this Province, as we considered that electricity should be treated under a very special

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category. Electricity is not merely a public utility but it is an instrument for the production of wealth. It is only in this spirit that we have brought forward this measure and when we take over all these concerns, we shall be able, in spite of all shortages that we have to face—in men as well as in materials—to expand and generate more electricity through the hydro-electric resources in the Province and take power to the remotest of the villages and to the poorest of the people. Sir, I commend the motion for the acceptance of the House."

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949), as passed by the Legislative Assembly, be taken into consideration at once '."

The motion was carried.

Clause 2 was put and carried.

Clause 3.

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, I move—

' In clause 3, omit the " Explanation " '."

I feel that when a notice has been served on an undertaking, in pursuance of that notice, the Government must take it over. But the explanation says :

' There shall be no obligation on the part of the Government to purchase any undertaking in pursuance of any notice given as aforesaid; nor shall the service of such notice be deemed to prevent the Government from taking any proceeding *de novo* in respect of the undertaking under this Act.'

As soon as a notice is given to a licensee, he becomes indifferent to his work and inefficiency sets in, and it is the consumer that ultimately suffers and not the Government or the private undertaking. It is only in the interests of the consumer that I am suggesting that there should be no delay on the part of the Government to take over the undertaking. Once a decision to give notice has been arrived at, there should be no hesitation to give effect to it. Therefore, I move this amendment."

JANAB ABDUL LATIF FAROOKHI :—" I second it."

THE DEPUTY PRESIDENT :—" The question is—

' In clause 3, omit the " Explanation " '."

* THE HON. SRI M. BHAKTAVATSALAM :—" I do not accept the amendment. We have discussed this question thoroughly in the Select Committee and in the Lower House. We do propose to consider the position *de novo* after passing this, then frame a programme and announce in due time so that all licensees may have due notice. Therefore Government do feel that there should be a provision like this." 4-15 P.M.

The amendment was put and lost.

Clause 3 was then put and carried.

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Clause 4.

* SRI R. SURYANARAYANA RAO :—“ Sir, I move—
‘ In clause 4 (1), omit the proviso.’

“ For the reasons I gave in respect of the ‘ Explanation ’ in clause 3, I feel, Sir, that the proviso gives power to Government to postpone from time to time, such date. It is not desirable. Though they have fixed one year as the aggregate period, I think, Sir, this state of uncertainty will recoil on the poor consumer. I feel, once Government give notice they should take up the concern, without taking power to go on postponing the date, though in the aggregate it may not exceed one year.”

JANAB ABDUL LATIF FAROOKHI :—“ I second the amendment.”

THE DEPUTY PRESIDENT :—“ The question is—
‘ In clause 4 (1), omit the proviso ’.”

THE HON. SRI M. BHAKATAVATSALAM :—“ Again I am sorry, I am unable to accept the amendment. Even when notice has been given, licensees might agree to continue for some time and it might be in the better interest of the consumer that this notice is extended. Government feel that they must have this provision and I can assure the hon. Member that whatever Government would do, it would be in the best interests of the consumer.”

The amendment was put and lost.

Clause 4 was then put and carried.

Clause 5.

* SRI R. SURYANARAYANA RAO :—“ I beg to move—
‘ In clause 5, add the following as sub-clause (4) :—

- (4) *Basis (D) : The compensation payable under this basis shall be the aggregate value of the share capital and debenture capital of the licensee as on the vesting date plus a solatium on such aggregate capital at the rate of one per cent for every year of the expired period of the licence.*

For purposes of this sub-section share capital shall mean the aggregate paid up value of all classes of shares standing in the books of the licensee on the vesting date and the debenture capital shall be the aggregate of all debentures as on the vesting date, such debentures being those issued with the permission of the Government under section 9 of the Indian Electricity Act.’

“ Sir, I must confess that I am in a great predicament. The bases given in this section are A, B and C. I have read them time and again, Sir, and I have not been able to find out whether A would be in the interests of the shareholders, B would be in the

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interest of the shareholders or C would be in the interest of the shareholders. I am not a businessman. I wish Government had given examples under each basis. It is done in all Statutes to enable the public to know better which would be in the interest of the shareholders or licensees. Therefore, Sir, I have given a straight amendment. Why I want a solatium Sir, is besides the capital raised under the various other sections which they have to pay to the accredited representatives, they have to incur expenditure on many items before the money is distributed to the persons who have invested in the concern. The shareholders must get whatever they have paid and the debenture holders must get whatever they have lent and the balance is meant to cover expenses such as fees for the accredited representatives which the Government are going to provide for under the rules. That is my point. This is a thing which I am able to understand and I think this will enable the shareholders also to choose the proper basis and advise the accredited representatives."

JANAB ABDUL LATIF FAROOKHI :—" I second the amendment, Sir."

THE DEPUTY PRESIDENT :—" The question is—

' In clause 5, *add* the following as sub-clause (4) :—

(4) Basis (D) : The compensation payable under this basis shall be the aggregate value of the share capital and debenture capital of the licensee as on the vesting date plus a solatium on such aggregate capital at the rate of 1 per cent for every year of the expired period of the licence.

For purposes of this sub-section share capital shall mean the aggregate paid up value of all classes of shares standing in the books of the licensee on the vesting date and the debenture capital shall be the aggregate of all debentures as on the vesting date, such debentures being those issued with the permission of the Government under section 9 of the Indian Electricity Act."

* THE HON. SRI M. BHAKTAVATSALAM :—" The Government fixed the three bases for compensation after a full and thorough discussion with the Government of India whose concurrence we had to secure and hon. Members are aware that this Bill gives option to the licensees to choose any one of the bases, A, B or C. Under any one of the bases that can be chosen by the licensee, some would get twice or even thrice the share value. If A will not suit a particular licensee, he can choose B or C. Whatever basis gives him the highest, it is open to him to choose it. It is not for this House to suggest what basis a particular licensee shall choose. I therefore feel it is not necessary to give statistics in the matter of choice. When it is proposed to give the option to the licensees to choose any one of these I do not think it is necessary to add one more basis. I oppose this amendment, Sir."

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SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether B which appears to have been added later, has also been arrived at after obtaining the consent of the Government of India. The whole section seems to be new.”

THE HON. SRI M. BHAKTAVATSALAM :—“ There is no change in the basis.”

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6 was put and carried.

Clause 7.

SRI R. SURYANARAYANA RAO :—“ Sir, I move the following amendments :—

‘ In clause 7 (1)—

(1) for the words “ *shall vest in the Government* ” substitute the words “ *shall become the rights, liabilities and obligations of the Government* ”.

(2) Omit *provisos (i) and (ii).*’

“ The first is a verbal amendment. I am advised, Sir, by legal experts that this is the wording used in the Indian Companies Act. By the second amendment I have asked for the omission of the provisos (i) and (ii) in clause 7 (1), because we go into the *bona fides* of the licensee. Are we right rashly to say in this fashion that these are not *bona fide* transactions? There is an arbitrator to be appointed, if necessary. It will be for him to say whether all the transactions and the obligations are not in a *bona fide* manner.”

JANAB ABDUL LATIF FAROOKHI :—“ I second the amendments, Sir.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ In clause 7 (1)—

(1) for the words “ *shall vest in the Government* ” substitute the words “ *shall become the rights, liabilities and obligations of the Government* ”.

(2) omit provisos (i) and (ii). ’ ”

* THE HON. SRI M. BHAKTAVATSALAM :—“ Regarding amendment (1), Sir, just now I consulted the Hon. Minister in charge of Law. We are of opinion that it is not necessary, and the clause as it stands is all right. I oppose the amendment. Then, regarding the second amendment, I feel we must have a provision to go into any matter which could not be accepted as *bona fide* transactions. I can point out that under this clause there is provision for the appointment of an arbitrator. If Government's decision

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regarding the *bona fides* is not acceptable, it will be open to the licensee to approach Government through the arbitrator. There is, therefore, no necessity for the amendment.

The amendments were put and lost.

Clause 7 was put and carried.

Clause 8 was put and carried.

Clause 9.

SRI R. SURYANARAYANA RAO :—“ Sir, I move—

‘ In clause 9 (1), substitute the words “ three months ” for the words “ one month ”.’

“ Within one month of his appointment or such further time as may be granted by the Government, the accredited representative shall intimate to the Government in writing which basis of compensation, A, B or C, shall be adopted in respect of the undertaking. I plead more time should be given to the shareholders. It is the shareholders that elect the accredited representative. They must be given time to meet again, give him the direction whether he should accept, A, B or C. Therefore, three months may be substituted for one month. This is only intended to give more time to the shareholders to think over what would be in their best interest to accept. It is a matter in which the monies of the shareholders are involved. One month’s time is not sufficient to enable the accredited representative to find out the wishes of the shareholders.”

JANAB ABDUL LATIF FAROOKHI :—“ I second the amendment, Sir.”

* THE HON. SRI M. BHAKTAVATSALAM :—“ The shareholders will not only have one month to decide this question. There will be a period of four months between the notice and the vesting date. Again, there will be a period of three months between the vesting date and the appointment of the accredited representative. All the seven months the shareholders can very well consider and give their opinion to their accredited representative. There is provision in this clause enabling Government to give such further time if they deem it necessary. Therefore, there is no need for the amendment and I oppose it.”

SRI R. SURYANARAYANA RAO :—“ Will the provision be utilized? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Whenever necessary.”

SRI R. SURYANARAYANA RAO :—“ Then I do not press my amendment, Sir.”

The amendment was by leave withdrawn.

Clause 9 was then put and carried.

[22nd December 1949]

Clause 10.

SRI R. SURYANARAYANA RAO :—“ I move, Sir—

‘ In clause 10, for the words “ on or after the 1st October 1947 ”, substitute the words “ during a period of three years prior to the vesting date ”.

‘ In the proviso to clause 10, for the words “ within one year ” substitute the words “ within six months ”.

“ I do not know why this 1st of October 1947 has been chosen. I think a period of three years or two years or any period would be better than fixing a particular date. I do not know the intentions of the Government in fixing that date. I was not a member of the Select Committee to know their intentions. I want to know why that particular date has been fixed.”

THE HON. SRI M. BHAKTAVATSALAM :—“ That was the date when the Government announced their decision to acquire all undertakings and therefore we have fixed it as the marked date. Therefore I am unable to accept the amendments.”

SRI R. SURYANARAYANA RAO :—“ I do not press the amendments.”

The amendments were by leave withdrawn.

Clause 10 was then put and carried.

Clause 11.

SRI R. SURYANARAYANA RAO :—“ I do not propose to move the amendment.”

Clause 11 was then put and carried.

Clause 12.

SRI R. SURYANARAYANA RAO :—“ This is a consequential amendment to the amendment that I moved just now to clause 9 (1) substituting three months. As I withdrew the earlier amendment, I am not moving this amendment.”

Clause 12 was then put and carried.

Clause 13.

SRI R. SURYANARAYANA RAO :—“ Sir, I move—

‘ In clause 13, for the words “ may be repaid ”, substitute the words “ shall be repaid ” and after the words “ the Special Officer ” add the words “ within a period of twelve months from the vesting date ”.

“ I feel an important principle is involved in this amendment. I would read the clause to enable the hon. Members of this House to see the point I have raised by my amendment. The clause reads :

‘ Notwithstanding anything to the contrary in any contract or agreement or in any law for the time being in force, all loans, debentures, mortgages and the like outstanding against the licensee on the vesting date may be repaid by the Government or the licensee, or the Special Officer although the time for their repayment may not have arrived.’

22nd December 1949] [Sri R. Suryanarayana Rao]

"When once an undertaking is taken over and debentures, loans and mortgages standing against it are in order, it is the duty of the Government or the licensee or the Special Officer to see that they are paid back. The word 'may' gives a loophole to escape their responsibility." 4-30 p.m.

JANAB ABDUL LATIF FAROOKHI :—"I second the amendment."

* THE HON. SRI K. MADHAVA MENON :—"I am afraid the amendment given notice of by my hon. Friend is more against the licensee than in his favour."

SRI R. SURYANARAYANA RAO :—"I am not speaking for the licensee."

* THE HON. SRI K. MADHAVA MENON :—"The Government will be bound to repay them but the hon. Member has suggested that the word 'may' might be replaced by 'shall.' If the whole section is read, it will be plain that the section as it stands will be more advantageous to the debenture-holders. It says—

'Notwithstanding anything to the contrary in the contract . . . all loans, debentures, etc., outstanding against the licensee on the vesting date may be repaid . . . although the time for repayment may not have arrived.'

The section permits the Government to settle them earlier than when they mature. They are of course entitled to get it after the time but this section permits its being paid earlier."

SRI R. SURYANARAYANA RAO :—"Sir, there is also my other amendment which says that within a period of at least twelve months from the vesting date, they must be paid. Supposing you are not able to pay, there must be some period within which the debenture-holders may be sure they will be getting the money back."

* THE HON. SRI K. MADHAVA MENON :—"Ordinarily, the creditors must get back the amount advanced by them and they are entitled to get them back and we need not prescribe any time for it at all and the Government need not give it as a matter of grace. The present section permits the Government to pay it earlier; payment could be made even though the time for repayment has not arrived and therefore there is no necessity for this amendment."

THE DEPUTY PRESIDENT :—"The question is—
'that in clause 13—

For the words "may be paid", substitute the words "shall be paid" and after the words "the Special Officer" add the words "within a period of twelve months from the vesting date"."

The amendment was lost.

Clause 13 was put and carried.

[22nd December 1949]

Clause 14.

SRI R. SURYANARAYANA RAO :—“ Mr. Deputy President, I move—

‘ that the following be substituted for clause 14 (1) and (2) :—

“ 14. (1) Where any dispute or difference arises between the accredited representative and the Government in respect of any matter arising out of the application of the provisions of this Act, such dispute or difference shall be determined by an arbitrator appointed by the Hon'ble Chief Justice for the time being of Madras.

(2) The provisions of the Indian Arbitration Act, 1940, shall apply to all arbitrations under this Act ”.

My point is that whatever may be the point at issue, if a dispute arises between the accredited representative of the shareholders on the one hand and the Government on the other, without it falling under any of the categories mentioned here, it must automatically be referred for arbitration. According to this section, there is provision for arbitration only in respect of items covered by (a) to (f). I am suggesting that all matters in respect of which there is any dispute, not necessarily those mentioned here, should be referred for arbitration. I am moving this in the interests of the shareholders and I have nothing to do with the licensee.”

The motion was duly seconded.

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the following be substituted for clause 14 (1) and (2) :—

“ 14 (1) Where any dispute or difference arises between the accredited representative and the Government in respect of any matter arising out of the application of the provisions of this Act, such dispute or difference shall be determined by an arbitrator appointed by the Hon'ble Chief Justice for the time being of Madras.

(2) The provisions of the Indian Arbitration Act, 1940, shall apply to all arbitrations under this Act ”.

* THE HON. SRI M. BHAKTAVATSALAM :—“ This provision, Sir, is an exact copy of the corresponding provision in the Indian Electricity Act under which we have acquired the Madras Electric Supply Corporation. There is no need for a change and I do not think my hon. Friend will insist upon his amendment. Relating to matters that are to be referred to arbitration, we have exhaustively referred to the various points that are likely to arise and therefore, I am unable to accept the amendment.”

The amendment was lost.

Clause 14 was put and carried.

Clause 15 was put and carried.

22nd December 1949]

Clause 16.

SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, I beg to move—

that in clause 16 (2), the following be added :—

" As far as possible consistent with such conditions of service as those persons enjoyed under the licensee "

My object in giving this amendment is to safeguard the interests of the servants of the licensee or the company as the case may be, whose services are to be retained by the Government. My object is that their conditions of service should not be radically altered. If some licensees had given better terms to their employees, the Government should not on that account deprive them of those privileges and it is with that object in view that I have said ' consistent as far as possible with the conditions of service that those persons enjoyed under the licensee '. They should give them conditions of service approximating as far as possible to those obtaining under the licensee."

The amendment was duly seconded.

THE DEPUTY PRESIDENT :—" The question is—

In clause 16 (2), add the following at the end :—

" as far as possible consistent with such conditions of service as those enjoyed under the licensee "

* THE HON. SRI M. BHAKTAVATSALAM :—" ' As far as possible ' is a very vague term and when the Government takes over these persons, their conditions of service must conform to terms obtaining for persons in similar category in Government service. As a matter of fact, we have taken over most of the staff of the Madras Electric Supply Corporation and we have also provincialized the work-charged establishment and we have given fair satisfaction even to those employees. Therefore, Sir, it is not necessary to amend the clause as suggested by the hon. Member."

The amendment was lost.

Clause 16 was put and carried.

Clauses 17, 18, 19, 20, 21, 22, 23 and 24 were put and carried.

Schedules I and II were put and carried.

Clause 1 and the preamble were put and carried.

4-45
p.m.

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I move—

' that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949), as passed by the Legislative Assembly be passed into law.'

Sir, I once again take this opportunity to express my gratitude to hon. Members for the support they have given to this legislation."

* SRI R. SURYANARAYANA RAO :—" Sir, if I had not taken part in this debate we could have finished the agenda and

[Sri R. Suryanarayana Rao] [22nd December 1949]

gone home by 3 p.m. Sir, I took part in this Bill because I was concerned with the interests of the shareholders who have invested their money in these concerns. Sir, I was not so much concerned with the interests of the licensees. I am glad that some assurance was given on some of the amendments moved. I am sure sooner or later Government will themselves realize that where the interests of shareholders are concerned, they should have been much more sympathetic and generous. Sir, I am one of those who has always had a sneaking admiration (laughter) for the Hon. Minister for Public Works. He knows, whenever I get an opportunity, I plead for the cause in which I am interested. At the same time, Sir, I must confess, whenever I criticize him, he always takes the criticism in the light in which it is offered, as neither he nor I have any personal interest to serve. All that we are both interested in is to see that whatever Government do must bring utmost benefit to the common man. So, I thought I should bring to the notice of Government some of the points of the shareholders so that they may be in the minds of Government and they may see that as generous treatment as possible is given to them, and that the moneys they have invested are not lost. With these words, Sir, I have great pleasure in supporting the Bill."

* THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I am obliged to Sri R. Suryanarayana Rao for the considerable attention he has bestowed on this Bill. I can assure him once again that Government have bestowed considerable thought on the interests of the shareholders in framing this Bill and also while considering the Bill in the Select Committee stage."

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949), as passed by the Legislative Assembly be passed into law '."

The motion was put and carried and the Bill was passed into law.

(10) THE MOTOR VEHICLES (MADRAS AMENDMENT) BILL, 1949
(L.A. BILL NO. 47 OF 1949).

THE HON. SRI B. GOPALA REDDI :—" Sir, I move—

' that the Motor Vehicles (Madras Amendment) Bill, 1949 (L.A. Bill No. 47 of 1949), as passed by the Legislative Assembly, be taken into consideration.'

Sir, some time ago this House gave permission to the Government to review appeals entertained by the Central Road Traffic Board and disposed of by them. Under section 64-A of the Motor Vehicles Act, a very large number of applications are being filed before Government. The powers of revision conferred by that section were intended to be exercised only in exceptional cases where there had been grave miscarriage. We think that some fee must be levied so that there will be a judicious utilization of that section.

22nd December 1949] [Sri B. Gopala Reddi]

Now, anybody and everybody who is aggrieved by the Central Road Traffic Board's decision is coming before Government as a sort of reviewing tribunal, and they have become so numerous to entertain and to scrutinize properly that Government think of taking power to levy a fee on such applications. That is all this Bill seeks to do, and I request the Bill may be taken into consideration at once."

THE DEPUTY PRESIDENT :—" The motion is—

' that the Motor Vehicles (Madras Amendment) Bill, 1949 (L.A. Bill No. 47 of 1949), as passed by the Legislative Assembly, be taken into consideration '."

The motion was put and carried.

Clauses 2, 1 and the preamble were put and carried.

THE HON. SRI B. GOPALA REDDI :—" Sir, I beg to move—

' that the Motor Vehicles (Madras Amendment) Bill, 1949, (L.A. Bill No. 47 of 1949), as passed by the Legislative Assembly, be passed into law '."

THE DEPUTY PRESIDENT :—" The motion is—

' that the Motor Vehicles (Madras Amendment) Bill, 1949 (L.A. Bill No. 47 of 1949), as passed by the Legislative Assembly be passed into law '."

The motion was put and carried and the Bill was passed into law.

The House adjourned to meet again the next day at 11 a.m.

V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. Bills as passed by the Assembly and received therefrom in the Council—

(i) *The Places of Public Resort (Amendment) Bill, 1949* (L.A. Bill No. 39 of 1949).

(ii) *The Madras Commercial Crops Markets (Second Amendment) Bill, 1949* (L.A. Bill No. 40 of 1949).

(iii) *The Madras Prohibition (Second Amendment) Bill, 1949* (L.A. Bill No. 41 of 1949).

(iv) *The Madras Prohibition (Amendment) Bill, 1949* (L.A. Bill No. 42 of 1949).

(v) *The Madras Tuberculosis Sanatoria (Regulation of Buildings) Amendment Bill, 1949* (L.A. Bill No. 43 of 1949).

(vi) *The Madras Educational Institutions (Requisition of Property) Bill, 1948* (L.A. Bill No. 25 of 1948).

(vii) *The Madras City Police (Amendment) Bill, 1949* (L.A. Bill No. 45 of 1949).

(viii) *The Madras Estates Land (Reduction of Rent) Amendment Bill, 1949* (L.A. Bill No. 46 of 1949).

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(ix) *The Madras Electricity Supply Undertakings (Acquisition) Bill, 1949 (L.A. Bill No. 32 of 1949).*

(x) *The Motor Vehicles (Madras Amendment) Bill, 1949 (L.A. Bill No. 47 of 1949).*

2. Notification issued with G.O. No. 2003, L.A., dated 27th September 1949, regarding bifurcation into North and South of the Visakhapatnam District Board.

3. Notification issued with G.O. No. 1970, L.A., dated 23rd September 1949, regarding the inclusion of certain area in Villupuram Municipality.

4. G.O. No. 2295, L.A., dated 9th November 1949, ordering the stay of elections to the Singarayakonda and Somarajupalli Panchayat Boards (Nellore).

5. G.O. No. 1254, Finance, dated 29th November 1949, relating to the Schedule of the First Supplementary Statement of authorized further expenditure for the year 1949-50 as authenticated by His Excellency the Governor.

6. G.O. No. 2323, L.A., dated 14th November 1949, issuing instructions regarding the conduct of elections to K. Kannapuram Mediniraopalem and Gopannapalem Panchayat Boards (West Godavari).

7. G.O. No. 2347, L.A., dated 16th November 1949, issuing instructions regarding the conduct of elections to Surappagudem Panchayat Board (West Godavari).

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

22nd December 1949]

APPENDIX I.

List I.

[Vide answer to starred question No. 64 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 22nd December 1949, page 716 supra.]

List of Gazetted Officers who have been re employed since March 1948.

Names of officers.	Posts of re-employment.
1 Sri M. V. Hayagriva Rao.	Industrial Tribunal, Vijayavada.
2 Sri C. Baktavatsalu Nayudu.	Industrial Tribunal, Mathurai.
3 Sri P. N. Ranganatha Ayyar.	Executive Engineer, Construction Division, Tungabadra Project.
4 Sri V. Sankunni ..	Head of Civil Engineering Section, Central Polytechnic, Madras.
5 Sri A. Chattu ..	Head of Civil Engineering Section, Central Polytechnic, Kozhikode.
6 Mr. Ziauddin Sahib ..	Principal, Prohibition College, Madras.
7 Sri D. Narayana Rao ..	Professor of Biochemistry, Madras Medical College.
8 Sri P. R. Thiruvengada- swami Mudaliar.	Assistant (Accounts) to the Surgeon-General, Madras.
9 Sri J. B. Cheney ..	Professor of Dental Surgery, Madras Medical College.
10 Mr. F. E. Hitchen ..	Superintendent, Central Jail.
11 Sri P. Bhadriah ..	Deputy Director of Public Instruc- tion.
12 Sri T. D. Ramaiah ..	Second Tribunal, Madras.
13 D. M. Amalsad ..	Principal, Government Textile Institute.
14 Sri T. S. Doraiswamy Ayyar.	Assistant Director of Survey and Land Records.
15 Sri V. R. Ranganatha Mudaliar.	Principal, Teachers' College, Madras.
16 Sri P. Natesa Ayyar ..	Special Officer for Hydro-Electric Surveys.
17 Sri N. S. Narasimha- chariar.	Industrial Tribunal, Vijayavada.

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Names of officers.	Posts of re-employment.
18 Dr. R. V. Rajam ..	Principal, Medical College, Madras.
19 Sri K. Krishnaswami Ayyar.	Deputy Commissioner of Commercial Taxes.
20 Sri N. Govindaraja Ayyangar.	Chief Engineer (Special).
21 Sri S. R. Gopala Ayyar.	Superintending Engineer.
22 Sri N. E. Jambulinga Nayakar.	Joint Consulting Architect to Government.
23 Sri B. Satyanarayana ..	Divisional Engineer (Highways).
24 Sri P. Murthiraju ..	Assistant Engineer (Highways).

List II.

List of Gazetted Officers newly re-employed since the answer to question No. 214 on 5th March 1949 was given.

Name of officers.	Posts of re-employment.
1 Dr. A. S. Mannady Nayar.	Principal and Professor of Bio-chemistry, Stanley Medical College, and later on as Surgeon-General, Madras, up to 20th October 1949.
2 Sri A. Subbarayudu ..	Chief Law Instructor, Prohibition Staff College, Madras.
3 Sri M. S. Venkatarama Ayyar.	Law Instructor, Prohibition Staff College, Madras.
4 D. Sivasubramania Mudaliar.	Additional Professor of Anatomy and Vice-Principal, Madras Medical College.
5 Sri K. Nagaratna Devara.	Deputy Registrar of Co-operative Societies.
6 Sri S. Dharmalinga Mudaliar.	Provincial Bio-chemist for Compost Development.
7 Sri P. S. Narayana Ayyar.	Assistant Director of Survey and Land Records.
8 Sri K. Padmanabha Ayyar.	Do.
9 Dr. L. S. Ramachandran.	District Health Officer, Tiruchirappalli.
10 Sri L. M. Sundaresa Ayyar.	Assistant Engineer (Highways).
11 Sri A. Krishnawami ..	Research Officer for Veterinary Medicine.
12 Sri V. Narasinga Rao ..	Assistant Engineer (Highways).

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Names of officers.	Posts of re-employment.
13 Sri N. Gangiah Nayudu..	Special Magistrate for the trial of the Hanuman Bank fraud case.
14 Sri M. Anandan ..	Superintendent, Agricultural Training Schools, Orathanad.
15 Sri S. Virupaksha Chetty.	Manager of Estate for the abolition of Zamindaris.
16 Sri N. V. Vaidyanatha Ayyar.	Do.
17 Sri V. Ponnuswami Pillai.	Do.
18 Sri N. Rayappa Reddi (has not yet joined duty).	Do.
19 Sri N. Raghavendra Rao.	Special Settlement Officer.
20 Sri A. Padmanabha Reddi.	Divisional Inspector of Schools.
21 Sri D. Ramiah ..	Do.
22 Sri C. Ethiraja Mudaliar	Head of Civil Engineering Section, Rayalaseema Polytechnic, Bellary.
23 Sri P. Subramaniam ..	Part-time Lecturer, Tamilnad Polytechnic, Mathurai.
24 Sri M. Krishnamurthi ..	Part-time Lecturer, Central Polytechnic, Madras.
25 Sri A. Appu	Settlement Officer.
26 Dr. M. Perumal Raju ..	District Health Officer.
27 Sri D. Neelamegam ..	Part-time Lecturer in Andhra Polytechnic, Kakinada.
28 Sri R. Janardhanam Nayudu.	Librarian, Connemara Public Library.
29 Sri G. A. Srinivasan ..	Additional Professor of Mathematics, Presidency College.
30 Sri N. C. Krishnayya Nayudu.	Lecturer, Government Training College, Rajahmundry.
31 Sri K. R. Appalachari.	Lecturer, Teachers' College, Saidapet.
32 Sri G. R. Viswanathan ..	Superintendent, Serum Institute, Ranipet.
33 Sri P. V. Jesudasan ..	Special Officer for framing of Service Rules, etc., for certified schools and Vigilance service.
34 Sri K. V. Venkatasubramania Ayyar.	Special Lecturer, Law College, Madras.
35 Sri E. Veerabhadra Pillai.	Manager of Sivaganga Estate.

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Names of officers.	Posts of re-employment.
36 Sri T. Anantha Acharya.	Chairman, Tribunal for Disciplinary Proceedings.
37 Sri M. Ramachandra Rao Nayudu.	Member, Tribunal for Disciplinary Proceedings.
38 Sri P. V. Narasimha Raju.	Member, Madras Public Service Commission.
39 Dr. K. K. Shenai ..	Professor of Hygiene, Stanley Medical College.

List III.

List showing the names of officers (mentioned in the list already furnished in answer to question No. 214) who have since been discharged.

Names of officers.	Post of re-employment and date of discharge.
1 Sri M. V. Hyagriva Rao..	Industrial Tribunal, Vijayavada (appointment cancelled).
2 Sri P. N. Ranganatha Ayyar.	Executive Engineer, Tungabadra Project—8th March 1949.
3 Sri J. B. Chenoy ..	Professor of Dental Surgery, Madras Medical College—17th July 1949.
4 Sri P. Bhadriah ..	Deputy Director of Public Instruction—11th May 1949.
5 Sri D. M. Amalsed ..	Principal, Government Textile Institute—30th April 1949.
6 Sri N. Govindaraja Ayyangar.	Chief Engineer (Special)—31st January 1949.
7 Sri S. R. Gopala Ayyar.	Superintending Engineer—5th June 1949.
8 Sri P. R. Thiruvengadasamy Mudaliar.	Assistant (Accounts) to the Surgeon-General, Madras—5th November 1949.
9 Mr. Ziauddin Sahib ..	Principal, Prohibition Staff College, Madras—31st October 1949.

List IV.

List showing the names of other particulars relating to officers mentioned in the list already furnished in answer to question No. 214 on the 5th March 1949 who have not yet been discharged.

Names of officers.	Post of re-employment and period.
1 Sri C. Baktavatsala Nayudu.	Industrial Tribunal, Mathurai—One year till 15th May 1950.*
2 Sri V. Sankunni ..	Head of Civil Engineering Section, Central Polytechnic, Madras—From 13th August 1948 till a regular candidate takes charge.

* Continuance of re-employment of old cases.

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Names of officers.	Posts of re-employment and period.
3 Sri A. Chattu ..	Head of Civil Engineering Section, Kerala Polytechnic—One year till 2nd September 1950.*
4 Sri D. Narayana Rao ..	Professor of Bio-chemistry, Andhra Medical College—Six months till 31st December 1949.*
5 Mr. F. E. Hitchin ..	Superintendent, Central Jail—One year and three months till 12th January 1950.*
6 Sri T. D. Ramiah ..	Industrial Tribunal, Madras—Eight months till 31st December 1949.*
7 Sri T. S. Doraiswami Iyer.	Assistant Director of Survey and Land Records—One year from the date of appointment, G.O. No. 751, dated 31st July 1948.
8 Sri V. R. Ranganatha Mudaliar.	Principal, Teachers' College, Saidapet—One year till 10th November 1950.*
9 Sri P. Natesa Ayyar ..	Special Officer for Hydro-Electric Surveys—One year up to 6th July 1950.*
10 Sri N. S. Narasimha-chariar.	Industrial Tribunal, Vijayavada—One year from date of appointment, <i>vide</i> G.O. No. 148, Finance, dated 29th December 1948.
11 Sri R. V. Rajam ..	Principal, Medical College, Madras—Continues to be re-employed.
12 Sri K. Krishnaswamy Ayyar.	Deputy Commissioner of Commercial Taxes—The officer has not entered on special duty for which re-employment was sanctioned.
13 Sri N. E. Jambulinga Naicker.	Joint Consulting Architect to Government—Re-employment up to 31st March 1950.
14 Sri B. Satyanarayana ..	Divisional Engineer (Highways)—One year from 11th January 1949.
15 Sri P. Murthiraju ..	Assistant Engineer (Highways)—One year from 24th February 1949.

* Continuance of re-employment of old cases.

[22nd December 1949]

List V.

List of officers mentioned in the list already finished whose re-employment has been extended for another term showing the period of such continuance.

Names of officers.	Posts of re-employment and period.
1 Sri C. Baktavatsala Naidu.	Industrial Tribunal, Mathurai, one year till 15th May 1950.
2 Sri A. Chattu	Head of Civil Engineering Section, Kerala Polytechnic, one year till 2nd September 1950.
3 Mr. Ziauddin Sahib ..	Principal, Prohibition Staff College, Madras, two months till 31st October 1949 (since discharged).
4 Dr. D. Narayana Rao ..	Professor of Bio-Chemistry Andhra Medical College, six months till 31st December 1949.
5 Sri J. B. Chenoy ..	Professor of Dental Surgery, Madras Medical College, three months till 17th July 1949 (since discharged)
6 Mr. F. E. Hitchin ..	Superintendent, Central Jail, one year and three months till 12th January 1950.
7 Sri T. D. Ramiah ..	Industrial Tribunal, Madras, eight months till 31st December 1949.
8 Sri P. Natesa Iyer ..	Special Officer for Hydro-Electric Surveys, up to 6th July 1950.
9 Sri(?) R. Thiruvengadaswami Mudaliar.	Assistant (Accounts) to the Surgeon-General, Madras, one month till 5th November 1949 (since discharged).
10 Sri V. R. Ranganatha Mudaliar.	Principal, Teachers College, Saidapet, one year till 10th November 1950.

APPENDIX II.

[Vide answer to starred question No. 65 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 22nd December 1949, page 717 supra.]

Particulars regarding basic training schools.

Serial number and name of the basic training school and location.				Grade,	Whether old or new.	Converted or opened newly.
(1)				(2)	(3)	(4)
Government—Men—						
1	Government Basic Training School,	Visakhapatnam	.. .. .	Junior	New	Converted 1949-50.
2	Do.	Eluru	.. .. .	Senior	Do.	Do.
3	Do.	Pentapadu	.. .. .	Do.	Old	Converted 1948-49.
4	Do.	Gopannapalem	.. .. .	Do.	New	Opened in 1949-50.
5	Do.	Royachoti	.. .. .	Do.	Do.	Converted 1949-50.
6	Do.	Mynampadu	.. .. .	Do.	Do.	Opened in 1949-50.
7	Do.	Vinayashramam	.. .. .	Junior	Old	Opened in 1946-47.
8	Do.	Arcot	.. .. .	Do.	Do.	Converted 1948-49.
9	Do.	Ranipet	.. .. .	Senior	Do.	Do.
10	Do.	Hindupur	.. .. .	Do.	New	Opened in 1949-50.
11	Do.	Pallepadu	.. .. .	Do.	Do.	Do.
12	Do.	Avinaghi	.. .. .	Do.	Do.	Do.
13	Do.	Tirur	.. .. .	Do.	Do.	Do.
14	Do.	Cuddalore (Men)	.. .. .	Do.	Old	Converted 1948-49.
15	Do.	Nagapattinam	.. .. .	Junior	Do.	Do.
16	Do.	Kallupatti	.. .. .	Senior	New	Opened in 1949-50.
17	Do.	Puthur, Malli		Do.	Do.	Do.
18	Do.	Ramnad		Junior	Old	Converted 1948-49.
19	Do.	Kovilpatti		Do.	Do.	Do.

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Serial number and name of the basic training school and location.

Grade.

Whether old or
new.Converted or opened
newly.

(1)

(2)

(3)

(4)

Government—Men—cont.

20	Government Basic Training School, Kuruvikulam	Senior	..	New	..	..	Opened in 1949-50.
21	Do. Palayad	Do.	..	Old	..	..	Opened in 1947-48.
22	Do. Moodabidri (since transferred to Maipadi)	Junior	..	Do.	..	..	Do.
23	Do. Badagara	Do.	..	New	..	..	Converted 1949-50.
24	Sec ndary Basic Section attached to Teachers' College, Saidapet	Senior	..	Old	..	..	Converted 1948-49.

Government—Women—

25	Government Basic Training School, Bellary	Junior	..	New	..	..	Converted 1949-50.
26	Do. Palghat	Do.	..	Old	..	..	Converted 1948-49.
27	Do. Cuddalore (Women)	Do.	..	Do.	..	..	Do.
28	Basic Training Section attached to the Lady Willingdon Training College, Triplicane.	Senior	..	New	..	..	Converted 1949-50.

Aided—Men—

29	Basic Training School, Vontithadi	Junior	..	New	..	..	Opened in 1949-50.
30	Do. Perianaickenpalayam	Senior	..	Old	..	..	Opened in 1946-47.
31	Do. Keelamoongiladi	Junior	..	Do.	..	..	Opened in 1947-48.
32	Do. Kalapetty	Do.	..	Do.	..	..	Do.

Aided—Women—

33	Basic Training School, Tiruvuru, Krishna district	Junior	..	Old	..	..	Opened in 1948-49.
34	Do. Gandhigram, Mathurai district	Senior	..	Do.	..	..	Opened in 1947-48.
35	Sacred Heart Basic Training School, Pudupalayam, Cuddalore N.T.	Do.	..	New	..	..	Converted 1949-50.
36	Basic Training School, Porto Novo	Junior	..	Do.	..	..	Opened in 1949-50.

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APPENDIX III.

[Vide answer to starred question No. 67 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 22nd December 1949, page 719, supra.]

Press Note, dated 9th June 1949.

[Permanent assignment of agricultural land—Ban lifted.]

The Government have decided to lift the ban on the permanent assignment of agricultural land which was imposed in 1943 pending the formulation of their land assignment policy. The policy has now been settled and its main features are explained below. The following order of preference will be followed in assigning land at the disposal of the Government :—

- (i) Political sufferers.
- (ii) Ex-servicemen of the Second World War including I.N.A. personnel, who do not possess 5 acres of wet or 10 acres of dry land.
- (iii) Landless poor persons including Harijans and Backward Classes.

2. Land will be assigned subject to the following conditions :—

(i) Land will be assigned free of market value to the above classes of persons but the cost of buildings, wells, trees, etc., standing on the land and the cost of survey stones and demarcation charges, if any, will be collected from the assignee.

(ii) Land assigned should not be sold or otherwise alienated for a period of ten years. Any breach of this condition will render the land liable to resumption.

(iii) The assignee should bring the land under cultivation within a period of three years from the date of assignment on pain of resumption.

(iv) No land tax will be collected for the first three years. Water rate will, however, be charged if the lands are irrigated with water taken from a Government source of supply.

(v) Land assigned should be cultivated by the assignee himself or members of his family or with hired labour or both.

3. The Government have carefully considered the question how lands under sivoijama occupation, i.e., unauthorized occupation by encroachers should be treated. They see no reason why as a matter of general policy any preferential

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treatment should be accorded to such unauthorized occupants of Government lands and propose to issue orders for the eviction of such people. This will, however, be subject to the following qualifications :—

(i) Landless poor persons (i.e., persons not having more than 5 acres of wet or 10 acres of dry land) in unauthorized occupation of Government lands will not be evicted. If their occupation is otherwise free from objection, such persons will be assigned the lands under their occupation. If they are in occupation of more than 5 acres of wet or 10 acres of dry land or if they have land of their own which together with the Government land under their unauthorized occupation exceeds these limits, they will be evicted from the extent in excess of these limits.

(ii) Unobjectionable encroachments on small extents of Government land, i.e., 25 cents of wet or 50 cents of dry land will not be evicted. Such lands may be assigned or given on lease to the occupant as may be considered suitable by the Collector.

(iii) Unauthorized occupants of Government lands who have spent a material amount of labour and money on reclamation or on improvement of the lands will be allowed to continue in occupation. Such lands will either be assigned to them or leased to them for a period long enough to enable them to recover their investment, provided such occupation is otherwise free from objection.

4. Government lands close to village sites will up to an extent of 5 acres be set apart for communal purposes like playground, school, etc., and not be assigned to anyone. Communal porambokes not required for the purpose for which they have been set apart or for any other communal purpose will be assigned if there are no other lands available for assignment. Reserved forests which have no forest growth and which in the opinion of forest department officials may be disreserved will also be assigned wherever necessary.

5. Compact blocks of land will ordinarily be assigned only to co-operative societies consisting of persons of the categories mentioned in paragraph 1 above.

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APPENDIX IV

[Vide answer to starred question No. 69 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 22nd December 1949, page 724, supra.]

Department of Industries and Commerce, Madras.

Rules for the levy of fees for work done by the Industrial Engineering Branch.

Subject to the rules hereinafter mentioned and as far as it can, the Department of Industries and Commerce gives general information and advice, assists in the preparation of plans and in the purchase and erection of machinery, undertakes the systematic inspection of installations, and places at the disposal of the public the following plant :—

- (i) Hand-boring apparatus and bore-hole pumps.
- (ii) Power drills.
- (iii) Portable pumping plant.
- (iv) Blasting apparatus.
- (v) Sugarcane-crushing mills.

All applications for the loan of the above plant should be in the prescribed form shown in Appendix A.

1. The plant will be hired out to the following classes of users :—

Class I.—(a) Agriculturists—solely for bona fide agricultural purposes.

(b) Small-scale industrialists who will be treated on the same footing as agriculturists.

(c) All promoters of water-supply schemes intended to serve the public, or individuals, except those in class III.

(d) The Labour, Co-operative and other departments of Government.

Class II.—Co-operative societies, school authorities, local boards, municipalities and other public authorities for purposes other than class I (c).

Class III.—Large-scale industrialists, companies or corporations and railway administration.

NOTE 1.—All industrial establishments employing 250 workmen and over or 1,000 B.H.P. and over will be deemed to be “large-scale industrialists”.

NOTE 2.—The order of preference shall in each case be decided by the Assistant Industrial Engineer subject to the approval of the Industrial Engineer except in regard to power drills, in the case of which the Industrial Engineer shall decide the priority subject to the approval of the Director of Industries and Commerce.

The Assistant Industrial Engineer shall maintain a list of bona fide applicants who have registered their applications on payment of the transport fee and caution deposit prescribed under the rules.

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2. The services of the department are offered subject to the following general conditions :—

(i) All fees, or other charges leviable under the rules governing departmental assistance are strictly payable in advance unless otherwise ordered by the Director of Industries and Commerce.

NOTE 1.—Services rendered to co-operative societies will be charged for only at half the usual rates. But transport charges will be recovered in full according to the rates prescribed in the rules unless the transport is undertaken by the societies themselves at their own expense.

NOTE 2.—In exceptional cases where the levy of fees or charges or other claims is likely to operate as an undue burden on the applicants, the Director of Industries and Commerce may, at his discretion, waive or remit such fees or charges wholly or in part subject to the condition that a report be made to Government whenever a charge other than a hiring fee or fee for services rendered under sections I, II and III is remitted by the Director. This concession is not applicable to large bodies such as district boards and municipalities, or those included in class III of rule 1 above.

(ii) All fees and other charges levied under these rules shall be credited to Government.

(iii) Refunds of fees will not generally be made, except as provided in note 2 to rule 2, but in the case of advances, any surplus which may remain unspent after the work is completed shall be returned.

(iv) Though every effort will be made to meet the reasonable demands of the public as promptly as possible, the department offers no guarantee whatever in respect of time.

(v) The acceptance of the services of the department implies the acceptance of the general rules and conditions laid down in this notification.

(vi) Parties who have hired departmental plants will not in any circumstances be allowed to sub-let them.

(vii) The Director or the Industrial Engineer may, if he considers it necessary in public interests, order the removal of any departmental plant hired out and withdraw the services of the departmental staff at any stage of the work without assigning reasons.

(viii) The hiring of a departmental plant by an applicant carries with it the responsibility for keeping it in reasonably safe custody and for making good any loss to Government caused by the applicant's negligence. So long as the departmental tools and plant are in the custody of the applicant, the departmental staff shall have the right of entry into the premises for purposes of inspection.

(ix) The Director may, at his discretion, lease out any portion of the plant, i.e., either an engine or a pump or any other part of a departmental apparatus or unit for a specific purpose and for a special fee to be fixed on each occasion separately.

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3. No fees will be levied for services rendered to other departments of Government except to a commercial department or a Government commercial undertaking or a rural water-supply scheme undertaken with the help of the departmental sets. An acknowledgment of the value of such services will, however, be obtained from the department concerned. But the department concerned should meet the cost of transport of the tools and plant and provide the labour and materials required. The cost of lining pipes and other tools left in the bore-hole, if any, will be recovered by book adjustment.

SECTION I.

Information and advice.

4. General information and advice are given free of charge so far as the information is available and advice is given without local inspection.

5. In cases where information and advice can be given only after local inspection, such inspection will be arranged for on payment of a fee of Rs. 10 for classes I and II and Rs. 25 for class III mentioned in rule 1. No such fee will be levied for local inspections in the course of enquiries into applications for loans under the Special Loan Rules.

6. When such an inspection is made in connexion with the installation of plant which the applicant proposes to purchase or erect without the aid of the department, the inspection report will include a statement of the class of plant required and a sketch.

7. In cases where an applicant desires that the plant should be purchased or erected by the department, charges will be levied at rates shown in section II—"Purchase and erection of machinery".

SECTION II.

Purchase and erection of machinery.

8. The department will, when so desired, undertake the ordering of plant, the preparation of plans and the supervision of the erection of machinery. In such cases a deposit of not less than Rs. 250 or approximately 25 per cent of the value of the plant, whichever is greater, must be made. For the purposes of calculating fees, the value of second-hand plant will be taken to be the value actually paid or the value estimated by the Industrial Engineer whichever is greater.

The fee charged for this service is—

(a) Two per cent on actual cost of machinery for classes I and II subject to a minimum of Rs. 10, and five per cent for class III subject to a minimum of Rs. 25;

(b) Inspection fee of Rs. 10 for classes I and II and Rs. 25 for class III where an inspection of the site has actually to be made unless such a fee has previously been paid on account of the same scheme; and

(c) An additional fee of Rs. 10 for all classes, if the preparation of drawings or blue prints is actually involved.

If the plant is to cost more than Rs. 10,000, special terms will be arranged.

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9. If an applicant wishes to abandon his scheme after an inspection has been made and before any plant has been ordered, all fees and deposits paid will be refunded except the inspection fee and if blue prints have been prepared, the fee of Rs. 10 for the preparation of plans.

10. The department will take no responsibility for any losses arising from an applicant changing his mind after orders have been placed or for any accidents to the labour supplied by, or damage to the properties of, the applicants in the course of erection.

11. All materials and labour must be found by the applicant.

12. No plans will be prepared and no plant will be ordered unless the plant is to be erected by the supplying firm or its erection is to be supervised by the department.

13. Individuals who have already purchased plant may apply for the supervision of its erection by the department on the same terms as above. The Director, however, reserves the right of causing an inspection of the plant to be made on payment of the prescribed fee, and notwithstanding such inspection, the Director may decline to sanction departmental assistance, if he considers the plant unsuitable, badly designed or in any other way open to objection.

14. When the services of the Engineering staff of the department are required for the execution of a definite work other than mere advice or inspection or the original erection of plant, such services will be charged for at the following daily rates :—

For an Assistant Industrial Engineer ... Rs. 15 per day.

For a supervisor or mechanic in charge... Rs. 10 for the first day plus
Rs. 6 for every subsequent day.

For a mechanic Rs. 7-8-0 for the first day plus
Rs. 4 for every subsequent day.

For other subordinates Rs. 5 per day.

If owing to causes for which the applicants are responsible there is any break in the continuity of the service, the fees chargeable for the first day after resumption of the work will be Rs. 10 for supervisor or mechanic in charge and Rs. 7-8-0 for a mechanic.

15. The Director reserves the right to refuse the services of the staff entirely or to charge fees at the daily rates prescribed in rule 14, if he finds that, in the course of an erection or other work undertaken on the terms laid down in rule 8, the subordinate concerned has to be idle owing to delay in the supply of material or labour required for erection.

SECTION III.

Systematic inspection of installations.

16. The department will arrange for the systematic inspection of installations. Inspections will be of two kinds, viz., "routine inspections" made at the convenience of the department and "special inspections" made on the urgent requisition of the applicant.

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17. An initial fee of Rs. 10 for classes I and II, and Rs. 25 for class III will be levied, which will cover the cost of three routine inspections; but no refunds will be made, if the services of the department are not utilized. It will also cover the cost of special visits, in the case of not more than two sudden breakdowns per annum. Special inspections or visits in excess of those covered by the initial fee will be charged for at the rate of Rs. 5 per visit for a mechanic and Rs. 7-8-0 for supervisor or mechanic in charge. These inspections carry no financial responsibilities on the staff for any breakdown and are subject to the exigencies of the public service.

18. No installation will be inspected unless the compounding fee or special fee is paid in advance. On the expiry of the period for which the compounding fee has been paid, a notice will be issued by the department in cases where application has not been received for the continuance of the departmental inspection and the prescribed compounding fee has not been remitted.

19. In addition to the fees prescribed in rule 17, the applicant will be required to supply material and labour necessary for the repair work to be carried out by the department.

20. Systematic inspection of a plant will be undertaken only after the plant has been examined and found to be in good condition. If it is not found in good condition, the applicant will be informed as to the repairs required. Only on completion of such repairs will systematic inspection be undertaken. If the applicant desires that the repairs should be executed under departmental supervision, such supervision will be arranged on payment of fees prescribed in rule 14.

21. The Director may, without assigning any reason, refuse to undertake systematic inspection of any plant or installation.

SECTION IV.

Boring plant—Hand-boring apparatus and power drills.

22. Enquiries concerning hand-boring apparatus and power drills should be addressed in the first instance to the local mechanic in charge or the Supervisor of Industries, or to the local Assistant Industrial Engineer, or to the Industrial Engineer, Post Box No. 432, Chepauk, Madras.

23. The hand-boring tools in the possession of the department will generally drill to a depth not exceeding 300 feet, but are unsuitable for boring in hard rock; and power drills can drill up to 500 feet in any strata. Where deeper borings or borings in hard rock are required, a power drill should be used. The department cannot guarantee the success of any boring whether put down by hand or power drill or guarantee whether fresh or brackish water will be tapped.

Subject to the approval of the Industrial Engineer, the Assistant Industrial Engineer may stop any boring work at any stage if it is found that the stratum bored through is such as to endanger

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the safety of the set, or if it is found that the applicant is interfering with the work of the staff or misusing the plant. In cases where a boring put down for an applicant coming under class III of the rules has reached a depth of 150 feet in the case of hand-boring set and 350 feet in the case of a power drill, the Assistant Industrial Engineer shall stop the work until an indemnity bond is executed by the party agreeing to indemnify the department for any loss or damage. The Director may then at his discretion permit the continuance of the work under such conditions as he may impose. No indemnity bond will be obtained from the applicants classed under I and II for the continuance of the borings beyond 150 feet in the case of hand-boring sets and 350 feet in the case of power drills; but an enhanced scale of fees as mentioned under rule 27 will be charged for the classes of users, for borings taken down beyond the depths specified above.

24. Applications for borings will be registered on payment of the transport fee and caution deposit mentioned below :—

Applications from classes I and II.—Transport fee of Rs. 50 and a caution deposit of Rs. 50 for a hand-boring set and a transport fee of Rs. 200 and a caution deposit of Rs. 250 for a power drill.

Applications from class III.—The actual cost of transport both ways whether for a hand-boring set or power drill should be borne by the applicant. A caution deposit of Rs. 100 for a hand-boring set and Rs. 500 for a power drill will be levied.

The advance payment of transport fee will, however, be waived if the applicant signifies in his application that he is prepared to transport the set himself at his own expense within five days of the date of offer. The caution deposit will be refunded after completion of the work after deducting any dues from the party to the department for the supply of labour or materials for fishing operations or for the removal of the plant. No portion of the caution deposit shall be set off for daily hire charges in the course of the work.

25. The order in which the registered applications will be attended to, will be decided by the Assistant Industrial Engineer in the case of hand-boring sets and by the Industrial Engineer with the approval of the Director of Industries and Commerce in the case of power drills. The applicants will be duly informed when the boring plant can be placed at their disposal. If the plant is not used after it has been brought to the site, the transport fee paid, if any, will be forfeited, but the caution deposit will be returned after recovering any loss sustained by the department.

26. The transport fee is intended to cover the cost of the carriage of the tools to the site proposed for boring. No part of it will be returned to the applicant whatever may be the cost of transport in any particular case, nor on the other hand will any further charge be made should the cost of transport exceed the prescribed fee.

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27. For a hand-boring set for classes I and II, the hire charge is Rs. 1-12-0 a day for boring up to 150 feet below ground level; Rs. 2-8-0 a day for boring beyond 150 feet to 250 feet below ground level and Rs. 4 a day for boring beyond 250 feet to 500 feet below ground level, and for class III the hire charge is Rs. 9 a day irrespective of the depth of the boring. For a power drill for classes I and II the hire charge is Rs. 6 a day for boring up to 350 feet below ground level; Rs. 8 a day for boring beyond 350 feet up to 500 feet below ground level and Rs. 12 a day for boring beyond 500 feet below ground level, and for class III the hire charge is Rs. 20 a day irrespective of the depth of the boring. This fee covers the hire of the tools and the salary of the staff in charge thereof. The applicant must, however, provide labour and materials necessary for operating the set.

Hand-boring sets will not ordinarily be allowed to be retained by an applicant for more than 150 working days. If the applicant desires to keep the hand-boring set for a longer period, for whatever reason, hire will be charged for a period after 150 working days at double the ordinary rates. However, the Director of Industries and Commerce may at his discretion waive the recovery of higher rates of hire charges up to a maximum of 50 days in deserving cases.

28. The original deposit will not cover the daily hire charges which must be paid in advance as work proceeds. This advance must cover at least five days' hire. When it is exhausted further advances of not less than five days' hire at a time should be paid at once. As borings will on no account be put down on credit, the work will be stopped and the tools removed immediately the advance is exhausted, unless further advances are paid.

29. On the completion of the boring any sum still to the credit of the applicant will be returned. In the case of a boring conducted in a well the applicant should, within 48 hours of its completion or stoppage of work, supply labour to remove the set from the well. If he fails to do so, he will be liable for additional hire charge till such time as the set is finally removed from the well, and loaded into carts for removal. The caution deposit levied under rule 24 will be utilized towards this. If, however, there has been no delay in the supply of labour and there are no other dues to Government, the deposit will be refunded to the applicant.

30. Fees will be charged for the use of the boring tools for every day that they remain at the workspot and for the days during which the tools are kept idle on account of the exhaustion of advance, delay in the supply of labour or other avoidable causes. No fees will be charged for the time during which they may be kept idle on account of accident, heavy rain or other causes beyond the control of the applicant; nor will any fee be claimed for cessation of work on authorized holidays or local market (shandy) days.

In cases of accidents to tools, lining tubes or boreholes the applicant must however provide labour and materials necessary for operating the set to recover the tools or tubes. The Director may at his discretion waive the recovery of the cost involved in whole or in part in exceptional cases.

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An applicant who has engaged a set may intimate his desire to stop work and the work shall be stopped.

31. The results of a boring will be communicated to the applicant who will be advised of the steps that he should take to utilize the water-supply available. The applicant must however provide labour and materials necessary to test the borehole. The apparatus by which the borehole is to be tested will be decided solely by the department. The department takes no responsibility in regard to the results of the boring and gives no guarantee regarding the continuance of the supply or the safety of the borehole.

32. In cases where artesian or sub-artesian water is met with, the lining tubes will, if the applicant so desires, be left in the borehole. The cost of the tubes must however be paid immediately on the completion of the borehole; otherwise the tubes will be pulled out before the set is dismantled. The labour required to remove the lining tubes and dismantle the set should in any case be provided by the applicant. In exceptional cases the Director may order the retention of the pipe for a period of three months from the date of removal of the set.

33. In the case of unsuccessful borings put down by hand-drills for an applicant in class I (a) to (c), the hire, but no transport charges, paid by the applicant will be refunded after deducting the hire charges for the days on which the set remained idle owing to party's default such as non-supply of labour, non-payment of further hire, advance, etc. In all such cases of unsuccessful borings, a notice shall be issued by the department to the party showing what refund of the advance and daily hire charges is admissible and stating that he may apply for it. An application for refund, received after three months from the date when the party received the notice, will be summarily rejected. Whether a boring is successful or not will be decided by the Director on the merits of each case and his decision will be final. A borehole which taps brackish or salt water will not be considered a failure and no refund will be made in such cases. This concession does not apply to power drills.

34. The Director may, without assigning any reason, decline to put down any boring and return to the applicant any sums that may have been paid by him.

SECTION V.

*Pumping*plant.*

35. The engines in the possession of the department are capable of pumping from 150 to 325 gallons per minute on a total lift up to 50 feet. High speed testing engines will not be worked for more than four hours at a stretch or for more than eight hours during a day and night, viz., twenty-four hours. The latter part of this rule applies also to ordinary (crude oil) pumping sets.

36. Enquiries concerning pumping plant should be addressed either to the local mechanic in charge or the Supervisor of Industries, or to the local Assistant Industrial Engineer, or to the Industrial Engineer, Post Box No. 432, Chepauk, Madras.

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37. No fees or advances will in the first instance, be demanded, but a register of applicants for the use of pumping engines will be maintained.

38. The order in which the registered applications will be attended to will be decided by the Assistant Industrial Engineer with reference to the locality, and applicants will be duly informed when a pumping plant can be placed at their disposal. Immediately on receipt of the notice, the applicant should pay a transport fee of Rs. 50, a caution deposit of Rs. 50, and an advance of Rs. 20 in the case of classes I and II. The transport fee, caution deposit, and the advance will be Rs. 75, Rs. 50 and Rs. 70, respectively for applicants of class III. If the amount is not paid within five days after receipt of notice the application will be regarded as cancelled. The advance payment of transport fee will however be waived if the applicant signifies in his application that he is prepared to transport the plant himself at his expense within five days of the date of offer.

39. The department will ordinarily make arrangements to carry the plant to the site except in cases where the applicants undertake to transport the plant themselves within the specified time. The transport fee is intended to cover the cost of the carriage of the plant. No part of it will be returned to the applicant whatever may be the cost of transport in any particular case; but, on the other hand, no additional charge will be made should the cost of transport exceed the above fee. If the plant is not accepted when brought to the site, the transport fee will be forfeited.

40. The fee for the use of a pumping plant is Rs. 3 a day subject to a minimum of Rs. 9 for classes I and II and Rs. 10 a day subject to a minimum of Rs. 30 for class III. This fee covers the hire of the plant and the wages of the driver in charge thereof. All other charges connected with the work such as cost of labour, fuel, oil and other stores must be borne by the applicant.

41. The original advance covers the hire of the plant for three days. When it is exhausted, further advances of not less than three days hire at a time should be paid at once. As pumping will on no account be done on credit, the work will be stopped and the plant removed immediately the advance is exhausted unless further advances are duly paid.

42. On the completion of the pumping, any sum still to the credit of the applicant will be returned subject to the deduction of the minimum fee prescribed in rule 40.

43. Fees will be charged for the use of the pumping plant for every day that it remains at the workspot and for the days during which the pumping plant is kept idle on account of the exhaustion of advance, delay in supply of labour and fuel or other avoidable causes. No fees will be charged for the time during which it may be kept idle on account of accident, repair, heavy rain or other causes beyond the control of the applicant; nor will any fee be claimed for cessation of work on authorized holidays or local market (shandy) days.

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In cases of accidents to engine or well, the applicant must however provide labour, etc., necessary to remove the plant from the well. The Director may at his discretion waive the recovery of the cost involved in exceptional cases.

44. The Director may, without assigning any reason, decline to lease out the pumping plant and return to the applicant any sum that may have been paid by him.

SECTION VI.

Blasting apparatus.

45. The blasting apparatus in the possession of the department is intended for the explosion of wells or boreholes with a view to increasing the water-supply. Blasting will ordinarily be of use only in hard rocky soils.

46. Enquiries concerning blasting apparatus should be addressed to the local mechanic-in-charge or the Supervisor of Industries, or to the local Assistant Industrial Engineer, or to the Industrial Engineer, Post Box No. 432, Chepauk, Madras.

47. Applications for the use of the apparatus will be registered on payment of an advance of Rs. 10 for classes I and II, and Rs. 12-8-0 for class III. The order in which the registered applications will be attended to will be decided by the Assistant Industrial Engineer with reference to the locality, and the applicants will be duly informed when the apparatus can be placed at their disposal. If the blasting apparatus is not accepted when offered, the advance will be forfeited.

48. The advance covers the cost of 1 blast consisting of 5 lb. of explosive. For a blast consisting of more than 5 lb. of explosive, a fee of Rs. 10 for the first 5 lb. and Rs. 7-8-0 for each extra quantity of 5 lb. of explosive or part thereof, will be charged for classes I and II and Rs. 12-8-0 and Rs. 10, respectively, for class III.

49. The results of the blasting will be communicated to the applicant who will be advised of the steps that he should take with reference to the results obtained.

50. The Director may, without assigning any reason, decline to carry out any blasting and return to the applicant any sum that may have been paid by him.

SECTION VII.

Sugarcane-crushing mills.

51. The department is in possession of a small number of power-driven sugarcane-crushing mills, which are available for hire.

52. Enquiries concerning sugarcane mills should be addressed to the local mechanic-in-charge or to the Supervisor of Industries, or to the local Assistant Industrial Engineer, or to the Industrial Engineer, Post Box No. 432, Chepauk, Madras.

53. No fees or advances will, in the first instance, be demanded, but a register of application for the use of the mills will be maintained.

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54. The order in which the registered applications will be attended to will be decided by the Director with reference to the locality and applicants will be duly informed when a mill can be placed at their disposal. Immediately on receipt of the notice, the applicant should remit an advance of Rs. 50 if a mill alone is required and Rs. 100 if a combined mill and engine is required in the case of classes I and II and Rs. 125 and Rs. 250, respectively, in the case of class III. A caution deposit of Rs. 100 should also be remitted by all classes of applicants. If these amounts are not paid within five days after the receipt of the notice, the application will be regarded as cancelled.

55. A transport fee of Rs. 50 will be charged in the case of classes I and II and Rs. 75 in the case of class III. The advance payment of transport fee will, however, be waived if the applicant signifies in his application that he is prepared to transport the plant himself at his own expense within five days of the date of offer.

56. The daily hire charges for the use of the plant is Rs. 2 for a mill and Rs. 4 for a combined mill and engine in the case of classes I and II Rs. 5 and Rs. 10, respectively, in the case of class III. The charge covers the hire of the plant and the wages of the driver in charge of the engine. All other charges connected with the work such as cost of labour, fuel, oil and other stores must be borne by the applicant.

57. The advance prescribed in rule 54 covers the hire of the plant for 25 days. When the sum is exhausted, further advances of not less than three days' hire at a time should be paid. As the plant will on no account be lent on credit, the work will be stopped, and the plant removed immediately the advance is exhausted unless further advances are duly paid.

The plant will not be let out on hire for a period of less than 25 chargeable days. No fees will be charged for the time during which the plant may be kept idle on account of rain, accident or repairs necessitated by causes beyond the hirer's control.

58. For purposes of these rules, the Engineering section of the department shall be constituted into four divisions and twenty-three subdivisions. Each division will be in charge of an Assistant Industrial Engineer, and each subdivision in charge of a Supervisor of Industries or a mechanic-in-charge, the whole Engineering section including the Madras-Chingleput division being under the direct charge of the Industrial Engineer.

HEADQUARTERS OF OFFICERS.

District.	Assistant Industrial Engineer's headquarters.	Subdivision headquarters.
	<i>Vijayavada Division.</i>	
Visakhapatnam	Vijayavada	Visakhapatnam.
Krishna	Do.	Vijayavada.
Guntur	Do.	Guntur.
East Godavari	} Do.	Rajahmundry.
West Godavari		
Nellore	Do.	Nellore.
Bellary	Do.	Bellary.
Kurnool	Do.	Kurnool.

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District.	Assistant Industrial Engineer's headquarters.	Subdivision headquarters.
<i>Coimbatore Division.</i>		
Cuddapah	Coimbatore	Cuddapah.
Anantapur	Do.	Anantapur.
North Arcot	Do.	Vellore.
Chittoor	Do.	Chittoor.
Malabar	Do.	Kozhikode.
South Kanara	Do.	Mangalore.
Coimbatore-Nilgiris	Do.	Coimbatore.
Salem	Do.	Salem.
<i>Tanjore Division.</i>		
South Arcot	Tanjore	Cuddalore.
Tanjore	Do.	Tanjore.
Tiruchirappalli	Do.	Tiruchirappalli.
Mathurai	Do.	Mathurai.
Ramnad	Do.	Ramnad.
Tirunelveli and Anjengo	Do.	Tirunelveli.
<i>Madras Division.</i>		
Madras	Industrial Engineer, Madras.	Madras.
Chingleput		Chingleput.

NOTE.—A mechanic-in-charge is one who is placed in charge of a subdivision to perform the duties hitherto discharged by a supervisor in respect of the district concerned.

59. The interpretation of these rules is vested in the Director of Industries and Commerce, Madras, whose decision in the matter shall be final.

APPENDIX A.

Form of application for the loan of departmental plant (on hire)

From

To

The { Director of Industries and Commerce
Industrial Engineer
Assistant Industrial Engineer
Supervisor of Industries or Mechanic-in-charge
Department of Industries and Commerce.

Sir,

I have the honour to apply for the loan of _____ for a period of _____ or as long as it may be required by me.

I herewith enclose a chalan for the transport fee of Rs. _____ and a caution deposit of Rs. _____ advance of Rs. _____.

Having read and understood the rules for the levy of fees for work done by the Industrial Engineering branch of the Department of Industries and Commerce, I agree to abide by all the conditions mentioned therein, to keep the departmental plant and tools in safe custody and to make good any loss caused by my negligence. I further agree to offer the departmental staff free access into my premises for purposes of inspection and to release the plant whenever required.

Signature of applicant

Date:

22nd December 1949]

APPENDIX V.

[Vide answer to starred question No. 70 asked by Sri N. Venkatachalamaji (on behalf of Sri M. Narayana Rao) at the meeting of the Legislative Council held on 22nd December 1949, page 726 supra.]

(a) The following statement shows the figures in regard to the quantity of semolina that has been distributed in the various districts of this Province, the quantity sold up to the end of May 1949, the quantity condemned, the cost of the same and the price at which semolina is sold in the ration shops:—

Serial number and name of district.	Quantity allotted from 1st June 1948 to 31st May 1949.	Quantity sold by the end of May 1949.	Quantities condemned as unfit for human consumption.	Approximate cost of the quantity shown in column (4).	The price at which semolina is sold in ration shops.
(1)	(2)	(3)	(4)	(5)	(6)
TONS.	TONS.	TONS.	RS.		
1 Cuddapah ..	60	20	Nil.	..	½ Madras measure per rupee or Re. 1-4-11 per Madras measure.
2 Chittoor ..	100	61.4	Nil.	..	Re. 0-7-6 per lb. or Re. 1-6-6 per Madras measure.
3 Guntur ..	70	50	Nil.	..	Re. 0-7-5 per lb. or Re. 1-6-3 per Madras measure.
4 South Arcot ..	160	123	Nil.	..	Re. 0-7-5 to Re. 0-7-9 per lb. or Re. 1-6-3 to Re. 1-7-3 per Madras measure.
5 Bellary ..	400	322	0.2	199	Re. 0-7-9 per lb. or Re. 1-7-3 per Madras measure.
6 Krishna ..	150	130	Nil.	..	Re. 0-7-9 per lb. or Re. 1-7-3 per Madras measure.
7 Nilgiris ..	300	293.6	Nil.	..	Re. 0-7-11 to Re. 0-8-3 per lb. or Re. 1-7-9 to Rs. 1-8-9 per Madras measure.
8 South Kanara ...	160	100	Nil.	..	Re. 0-8-1 to Re. 0-8-4 per lb. or Rs. 1-8-3 to Rs. 1-9-0 per Madras measure.
9 North Arcot ..	230	181	Nil.	..	Re. 0-7-9 per lb. or Re. 1-7-3 per Madras measure.
10 Nellore ..	50	36	Nil.	..	Re. 0-7-5 per lb. or Re. 1-6-3 per Madras measure.
11 Visakhapatnam.	252	198	Nil.	..	Re. 0-7-5 to Re. 0-8-0 per lb. or Re. 1-6-3 to Re. 1-8-0 per Madras measure.
12 Coimbatore ..	850	700	0.11	108	Re. 0-7-6 per lb. or Re. 1-6-6 per Madras measure.

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Serial number and name of district.	Quantity allotted from 1st June 1948 to 31st May 1949.	Quantity sold by the end of May 1949.	Quantities condemned as unfit for human consumption.	Approximate cost of the quantity shown in column (4).	The price at which semolina is sold in ration shops.
(1)	(2)	(3)	(4)	(5)	(6)
	TONS.	TONS.	TONS.	RS.	
13 Kurnool ..	90	43	Nil.	..	Re. 0-7-5 per lb. or Re. 1-6-1 per Madras measure.
14 West Godavari.	60	19	36	35,530	Re. 0-7-9 to Re. 0-7-11 per lb. or Re. 1-3-3 to Re. 1-7-9 per Madras measure.
			This is under investigation.		
15 Madras ..	1,108	1,078	Nil.	..	Re. 0-7-5 per lb. or Re. 1-6-3 per Madras measure.
16 East Godavari.	100	27.4	Nil.	..	Re. 1-6-9 to Rs. 1-8-0 per Madras measure.
17 Tanjore ..	121	76	Nil.	..	Re. 1-7-0 to Re. 1-7-6 per Madras measure.
18 Chingleput ..	100	100	Nil.	..	Re. 1-6-3 to Re. 1-7-0 per Madras measure.
19 Salem ..	690	579	Nil.	..	Re. 0-7-7 per lb. or Re. 1-6-9 per Madras measure.
20 Anantapur ..	67	57	Nil.	..	Re. 0-8-0 to Re. 0-8-9 per lb. or Rs. 1-8-0 to Rs. 1-10-3 per Madras measure.
21 Tirunelveli ..	280	231	0.6	59	Re. 0-7-5 per lb. or Re. 1-6-3 per Madras measure.
22 Mathurai ..	170	100	Nil.	..	Re. 0-7-6 per lb. or Re. 1-6-0 per Madras measure.
23 Rannad ..	340	274	Nil.	..	Re. 0-7-6 to Re. 0-7-8 per lb. or Re. 1-6-6 to Re. 1-7-0 per Madras measure.
24 Tiruchirappalli.	310	214	Nil.	..	Re. 0-7-9 per lb. or Re. 1-3-3 per Madras measure.
25 Malabar ..	521	397	0.86	843	Re. 0-7-4 to Re. 0-7-10 per lb. or Re. 1-6-0 to Re. 1-7-6 per Madras measure.
Total ..	6,739	5,410.9	37.23	36,739	